FREEDOM OF INFORMATION
AND
PRIVACY ACTS

SUBJECT: Roy M. Cohn

FILE NUMBER: 58-5100

PART: 4 of 23

FEDERAL BUREAU OF INVESTIGATION

SUBJECT Roy M. Cohn

FILE NUMBER 58-1232 Sub B

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HOFFA EXPOSE BID LAID TO KENNEDY

Senator Denies Urging Life to Publish an Article

By C. P. TRUSSELL
Special to The New York Times

WASHINGTON, March 8—Senator Robert F. Kennedy, Democrat of New York, was accused today of trying to promote, while he was Attorney General, a magazine exposé of James R. Hoffa. The attempt was said to have occurred while Hoffa, the Teamsters Union president, was in legal trouble with the Federal Government.

The charge was made by Thomas A. Bolan of New York, a lawyer. He said that as Attorney General Mr. Kennedy had sought to have Life magazine publish an interview with Sam Baron, a disgruntled teamster official. The effect of the article would presumably have been to prejudice public opinion against Hoffa while he was having legal difficulties with the Government.

Senator Kennedy promptly denied the charge, saying that he had not attempted to "plant" a story about Hoffa with the magazine. He said that Mr. Baron had "been in fear of his life and got in touch with me."

Mr. Bolan made his charge in testimony before a Senate subcommittee seeking to determine whether Government agencies violated privacy in enforcing laws. He appeared with Roy M. Cohn, who was chief counsel of the Senate Subcommittee on Investigations in 1953-54, while Senator Joseph R. McCarthy was chairman. Mr. Kennedy was then the minority counsel of the same subcommittee.

Mr. Bolan was counsel for Mr. Cohn, now a lawyer in New York, when Mr. Cohn was tried and acquitted last year on 10 counts of perjury and obstruction of justice. Both lawyers had been put under Post Office Department mail covers, through which mail is under surveillance to detect possible wrongdoing.

While Mr. Cohn was under indictment, Mr. Bolan testified, Life magazine published an article about him. In seeking to determine whether the Justice Department had had anything to do with it, he said, he caused the Life files on the article about Mr. Cohn to be subpoenaed. It was in this file, he said, that he found the reference to the Hoffa case, apparently included there by a clerical error.

At the time Mr. Kennedy was said to have encouraged the article, Hoffa was under indictment for mail fraud. He and a Detroit banking executive had been charged by a Federal grand jury with misusing for personal profit $500,000 in union funds for the development of a retirement village for teamsters' union members in Florida.

On July 13, 1961, all 12 counts of the indictment were dismissed by Federal Judge Joseph P. Lieb in Orlando, Fla., because of a defect in the selection of the grand jury.

In support of his charge, Mr. Bolan presented what he identified as a copy of a memorandum dated March 6, 1961. It was from Henry Suydam, then Washington bureau chief for Life magazine, and was addressed to E. K. Thompson, a Life editor in New York.

"Last Saturday," it read, "I got a call from Bob Kennedy asking if I could drop what-

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United Press International Telephoto

APPEARS AT MAIL INQUIRY: Roy M. Cohn, right, with Representative Robert L. Leggett, Democrat of California, before Mr. Cohn testified at hearing of panel of Senate Judiciary Committee investigating censorship of mail by the Government. Mr. Cohn said his mail had been examined while he was under indictment last year.

over I was doing and come to his office. I did, and when I got there he closed the door and told me the following:

"In a back room was a high official of the teamsters, a man who had been privy to the inner workings of the organization since 1953. He was particularly knowledgeable about Hoffa.

"The man had been working directly with Kennedy and in secret for the last two years. He was now so disillusioned and disgusted with the corruption he saw all around him, particularly as concerns Hoffa, that he has just about decided to make a public break with the union.

"Kennedy said he had suggested to this man that he make this break via an article in Life in the form of a personal exposé of Hoffa.

"Kennedy asked my personal word that for the moment only you and I would know of this matter."

The teamster official in the back room was identified as Sam Baron, of the warehousemen's branch of the teamsters. He was said now to be connected with "some blue-collar workers' union."

In March, 1962, Hoffa was arrested in Washington on an assault charge. He was accused of beating up Mr. Baron in a dispute at the union's headquarters. The charge was dismissed later. Hoffa is appealing convictions in two other cases, one on a charge of jury-tampering in Nashville last year and the other on charges of fraud in Chicago.

Another memo, dated only "Thursday," and signed "Hank Suydam," said:

"I told Kennedy of your high interest and he is delighted.

"He makes the suggestion that the piece go into Baron's background and philosophy, to help explain his disgust with Hoffa and his motive for breaking with the teamsters. Bob agrees that a ghost writer makes good sense."

In denying Mr. Bolan's charges, Mr. Kennedy said that Mr. Baron had suggested an article in Life.

"If he was killed," the Senator said, "he wanted to be able to tell his story through Life magazine. I put him in touch. The story was not to be published unless something happened to him."

At this time, Mr. Kennedy said, Mr. Baron was a witness cooperating with the Federal Bureau of Investigation and the Department of Justice. Asked whether it was not unusual for a Government official to pass a witness on to a magazine, Mr. Kennedy said:

"Not really."

The Senator pointed out that no article had appeared in Life until after Mr. Baron had broken with Hoffa, and that it then was a different kind of article.

"This was about 12 or 18 months later," he said.

"I simply made sure that the information he had was available to the magazine. While I was Attorney General no information was furnished to any publication about anyone under indictment. At that time Life magazine contacted the Justice Department, but no information was furnished directly or indirectly by the department. This was something purely between Mr. Baron and Life magazine."

In discussing with the committee the mail cover that was applied while Mr. Cohn was under indictment, Mr. Bolan said that he had learned accidentally that his mail was under surveillance. On his regular postman's day off, he related, a substitute, in delivering his mail at home, also delivered the order for coverage. Dated March 29, 1963, it bore the warning to the postman:

"Confidential — submit all first class mail to supervisor. Do not reveal this to addressee or other unauthorized person."

"It was like an act of God, this delivery of the cover order," Mr. Bolan said. He explained that with its aid he was able to get the cover canceled. Federal Judge Archie Dawson, who issued the stoppage order, described the surveillance as being "shocking," he said.

Mr. Cohn said that two covers had also been put upon his mail. One, he said, was obtained by the Internal Revenue Service, the other by the office of the United States Attorney, Robert M. Morgenhau.

In addition, Mr. Cohn said, his clients underwent interrogation, he was asked to provide a list of the telephones he used, and relate conversations he held over them. In the course of more than 30 hours of questioning, Mr. Cohn said, he answered all of the 4,851 questions put to him.

Both Mr. Cohn and Mr. Bolan protested that the surveillance through mail covers and other actions had seriously handicapped them in preparing the defense for Mr. Cohn's case.

Senator Edward V. Long, the Missouri Democrat who heads the subcommittee, called Mr. Bolan's testimony "shocking," and said he would forward the transcript of the testimony on this phase to the full Judiciary Committee, of which the subcommittee is a unit.

"There is a question of jurisdiction in this matter and I would like the committee to rule on it. It is obvious that the Department of Justice was attempting to try cases in the press. To me that is a very serious charge."

Kennedy Called 'Correct'

Reached at his home last night, Edward K. Thompson, the Life editor, said that "Senator Kennedy's statement on this matter is basically correct."

"As far as I understand," Mr. Thompson continued, "Baron wanted an outlet in a magazine and was introduced to Suydam by Bob Kennedy. Beyond introducing us to Baron, that was the last we heard of Kennedy."

Senate Quiz Hinted On Kennedy Action

United Press International

WASHINGTON, March 3—Sen. Robert F. Kennedy's methods, while Attorney General, in prosecuting Teamsters boss James R. Hoffa and New York lawyer Roy M. Cohn may be reviewed by a Congressional committee.

That possibility arose for the second time in a year after Sen. Edward V. Long (D-Mo.) said he would present new charges against Kennedy to the Senate Judiciary Committee.

Accusation Denied

Former Rep. Roland V. Libonati (D-Ill.) pushed a similar move in the House last year. The House Judiciary committee ultimately approved a watered-down resolution to study enforcement policies of the Justice Department. So far nothing has come of it.

Long did not indicate he would press for a review by the Senate committee. He said he would merely turn over a transcript of testimony by a witness before his subcommittee yesterday. Long's panel is investigating government snooping.

'Fear of His Life'

Thomas A. Bolan, a New York lawyer, told senators that Kennedy used trial-by-newspaper to turn public opinion against Hoffa while the union chief was under indictment.

Kennedy denied the accusation.

Bolan represented Cohn in New York last year when the former McCarthy committee counsel was tried and acquitted of charges of attempting to bribe a United States attorney.

Cohn, who also testified yesterday, made only indirect references to Kennedy.

But Bolan told the subcommittee that Kennedy planted an article about a dissatisfied Teamster official in Life Magazine.

Kennedy denied the charge. The New York Democrat said the Teamster official—Sam Baron—came to him "in fear of his life."

According to Kennedy, Baron said he wanted to get in touch with some non-governmental official to tell his story. Kennedy said he set up a meeting with Life magazine with the understanding that nothing would be published until something happened to Baron.

'Aided' FBI

At the same time, Hoffa was under indictment, and Baron was "cooperating with the FBI," Kennedy said.

Bolan was testifying before the subcommittee about a mail cover placed on him. Bolan

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said he came across the information about Kennedy's involvement in the Life story while investigating the circumstances surrounding a similar story on Cohn.

Bolan said a mail cover—where postal officials keeps tabs on mail deliveries of certain persons—was placed on him when he became Cohn's lawyer. Cohn at the time was charged with trying to bribe a government official to quash an indictment against other persons.

According to Bolan, Kennedy also provided information to Life magazine about Cohn.

Kennedy admitted that Life contacted him about Cohn. But he said "no information was furnished on Mr. Cohn either directly or indirectly."

RFK Tactics Hit in Hoffa, Cohn Cases

WASHINGTON, March 3 (UPI).—Sen. Robert F. Kennedy's methods, while Attorney General, in prosecuting Teamsters boss James R. Hoffa and New York attorney Roy M. Cohn may be reviewed by a Congressional committee.

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Mr. Kennedy denied the charge. The New York Democrat said the Teamster official —Sam Baron—came to him "in fear of his life."

According to Mr. Kennedy, Mr. Baron said he wanted to get in touch with some nongovernmental official to tell his story. Mr. Kennedy said he set up a meeting with Life Magazine with the understanding that nothing would be published until something happened to Mr. Baron.

3 UNDER INDICTMENT

At the same time, Hoffa was under indictment, and Mr. Baron was "cooperating with the FBI," Mr. Kennedy said.

Mr. Bolan was testifying before the subcommittee about a mail cover placed on him. Mr. Bolan said he came across the information about Mr. Kennedy's involvement in the Life story while investigating the circumstances surrounding a similar story on Mr. Cohn.

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Mr. Kennedy admitted that Life contacted him about Mr. Cohn. But he said "no information was furnished on Mr. Cohn either directly or indirectly."

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Cohn Loses $631,932 Appeal

Lawyer Roy Cohn suffered a setback yesterday when the Appellate Division of State Supreme Court sustained a lower court ruling that he must pay $631,932 to Martin R. and Augustus J. Steinthal, brothers who own M. Steinthal & Co., for breach of contract. The brothers, who manufacture military parachutes, charged that Mr. Cohn failed to pay off on a promise he made in negotiating to buy their company for the Lionel Co. when he was chairman there.

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NY Herald Tribune

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Cohn Wins the Case He Bet $1 He'd Lose

"I thank God for the United States of America, where no matter who in high places moves against you there is a recourse to a jury of 12 Americans." —Roy M. Cohn July 16, 1964

By Milton Lewis
Of The Herald Tribune Staff

At 11:25 a. m. yesterday, twenty-four hours after a jury began considering his case, Roy M. Cohn stood in a hallway outside the courtroom and turned to a reporter. "I'm very pessimistic," Mr. Cohn said. "I'm going to be convicted."

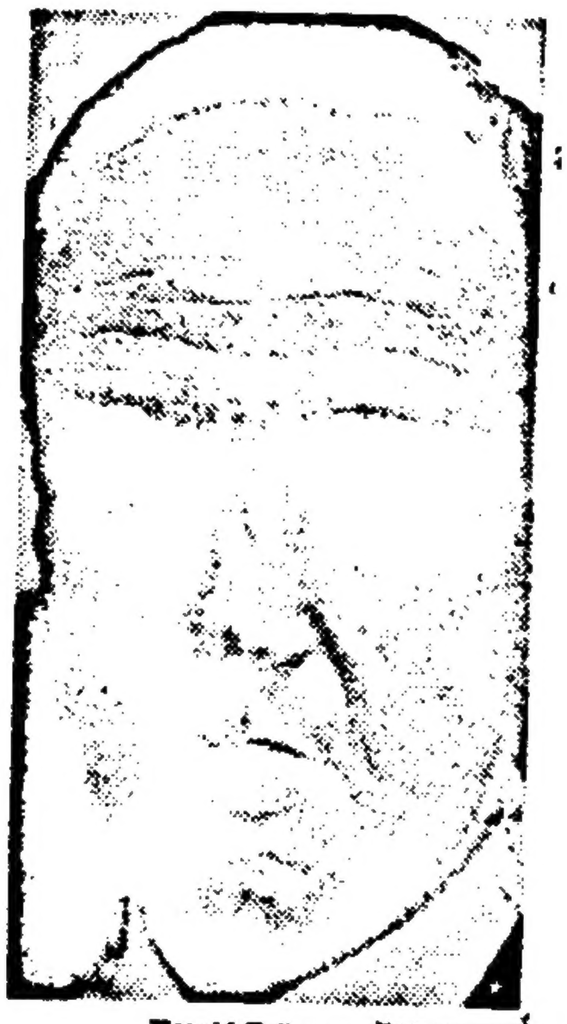
The reporter disagreed. "You're going to be acquitted," he said.

"You're wrong," Mr. Cohn said. "I'll make you a $1 bet. I'm going to be convicted."

As Mr. Cohn made his bet, a bailiff called: "All in!"

Nervously Mr. Cohn turned, walked into Room 110 of U. S. Court House — and lost his bet.

Mr. Cohn had been standing ~~retrial~~ in Room 110 since June 9 on three counts of



Herald Tribune—Bruno
Roy M. Cohn

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perjury and four of obstructing justice. When he reentered and sat down, his co-defendant, lawyer Murray E. Gottesman, named in two perjury counts, sat two seats to his left. Even before the judge took the bench and the jury came in, the word spread: "A verdict has been reached."

Judge Dudley B. Bonsal had to come down from his 26th-floor chambers to the first-floor courtroom. He arrived at 11:35 a. m. The jury filed in at 11:37. Only the foreman shot a quick glance at Mr. Cohn. The other 11 studiously avoided looking at him.

Had the jury agreed on a verdict?

Claude C. Applegate, retired salesman, of 15 E. 36th St., the foreman, answered:

"We have reached a verdict. We have found unanimously the defandants not guilty on all the charges."

DELIGHTED

There was a shriek of delight from the spectators, especially from women and eight of Mr. Cohn's law associates in the audience. Mr. Cohn and one of his law partners, Thomas Bolan, who had been sitting to Mr. Cohn's right all through the two trials, jumped up and threw their arms around each other. Mr. Cohn then leaned across Mr. Bolan and gripped the right hand of his counsel, Frank G. Raichle.

Mr. Gottesman ran to the rail and tried to kiss both his wife and daughter at the same time.

"Quiet! Quiet!" deputy marshals shouted. "Everybody back in their seats."

A moment later, Judge Bonsal dismissed the jury with thanks, and without comment on the verdict. The first to be excused were the four alternates. One of them, Miss Mary F. Todd, a publishing company clerk, wiped tears from her eyes as she said to Mr. Cohn: "I'm so happy for you."

HAPPY

Mr. Cohn left the well of the court, rushed up to the reporter with whom he had the bet, pulled out a clasped thin roll of bills, and handed over $1. "This is the happiest $1 I ever paid in my life," said Mr. Cohn.

The reporter pocketed the money.

Mr. Cohn went to the building's press room, the same room in which he said, when he was indicted last September, that the charges against him stemmed from a "personal vendetta" on the part of Attorney General Robert F. Kennedy. The later was counsel to the Democratic minority when Mr. Cohn was counsel to the Republican majority 10 years ago on the McCarthy Senate Investigating Committee. They almost came to blows while serving on the committee.

Now Mr. Cohn, after praising Judge Bonsal's fairness and certain witnesses who testified in his behalf—former U. S. Attorney S. Hazard Gillespie; Louis B. Nichols, former associate director of the FBI; and Ned Spellman, Cardinal Spellman's nephew—said: "I thank God for the United States of America, where no matter who in high places moves against you there is a recourse to a jury of 12 Americans."

Mr. Cohn, who last Sep-

tember had also accused U. S. Attorney Robert M. Morgenthau as being part of the "personal vendetta" against him, was asked to name the person or persons "in high places" he was referring to. "The statement speaks for itself," he said.

ECSTATIC

The short, slight, 37-year-old Mr. Cohn was ecstatic as well-wishers patted him on the back or shook his hand. He gave orders to call numerous people around town, including his mother.

What is he going to do now? "I'm going back to work and face a bunch of angry clients who have been wondering what I've been doing down here the last few months."

He was reminded of what he had said during the first trial and what he had repeated on Wednesday, shortly after the jury got the case at 11:30 a. m.—"I don't see how anyone can expect 12 people to agree about anything concerning me."

Now, 24 hours after the jury of 11 men and one woman got the case, Mr. Cohn said: "I humbly admit I was quite unfair and quite wrong."

Mr. Gottesman, who at 57 is 20 years older than Mr. Cohn, said: "It was a real nightmare. Now I can go back to the practice of law."

One reason for Mr. Cohn's pessimism yesterday morning, he said, was this: the memory of how the jury in the first trial stood last April 19—11 for conviction on one perjury count. That panel was dismissed and a mistrial called, after four days of deliberations, because of the death of a juror's father.

The charges stemmed from the saving from indictment in 1959 of four subsequently confessed members of the $5 million United Dye & Chemical Corp. stock fraud. Three of these men testified against Mr. Cohn in this trial. He and Mr. Gottesman allegedly committed perjury before a 1962 grand jury trying to determine how the four swindlers avoided indictment in 1959.

There was testimony that Mr. Cohn split $50,000 with Morton S. Robson, who was chief assistant U. S. Attorney in 1959. Both denied this, just as Mr. Cohn denied obstructing justice by allegedly influencing other grand jury witnesses. There also was testimony—never denied—that Leonard R. Glass, who as an assistant U. S. Attorney in 1959 was in charge of the stock fraud inquiry, fed grand jury questions in advance to one of the four swindlers.

FREE

After his press conference and separate interviews for various radio and TV reporters, Mr. Cohn turned to his law partner, Mr. Bolan, and said, tiredly: "Shall we go? Am I free now?"

"You want the air-conditioned car?" Mr. Bolan replied.

A moment later they stepped into a chauffeur-driven air-conditioned Cadillac parked on the side of the court house.

It was in this court house that Mr. Cohn first made a name for himself as a "boy wonder" Federal prosecutor before going on to an international reputation as a member of the McCarthy Committee.

"If I don't see this court house for an awful long time I won't complain," said Mr. Cohn.

Waiting for the Verdict—Roy Cohn

A Federal jury entered its second day of deliberations today to decide the fate of one-time lawyer-boy wonder Roy M. Cohn.

The jury goes back into session in a special room at the federal courthouse in Foley Square, where Mr. Cohn, 37, a former aide to the late (Sen. Joseph R. McCarthy, R.-Wis.) began his climb to fame and fortune as a federal attorney.

Now he stands accused of obstruction of justice and, with a co-defendant, Murray E. Gottesman, 57, another New York lawyer, with perjury before grand juries which, in 1962 and 1963, probed into the 1958 United Dye and Chemical Corp. stock fraud case.

It is the second time the two lawyers have been brought to trial on the charges, the first ending in a mis-trial last April 19 when a juror withdrew on the fourth day of deliberations because

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of the death of her father.

To make sure that will not happen this time, Judge Dudley B. Bonsal retained the four alternate jurors who sat through the 26 days of the trial.

After deliberating for close to 7½ hours, the 11 men and one woman were dismissed for the night at 10:45 p.m. They were taken to an undisclosed midtown hotel.

Outwardly unruffled, Mr. Cohn had spent the entire day in or near the courtroom, chatting with friends, granting interviews with reporters, or moving to a bench in the park across the street to have photographers take his picture.

He repeated what he had said during the April jury deliberations:

"I don't see how anyone can expect 12 people to agree about anything concerning me."

During the picture taking, he was asked to "show confidence."

"I can't do that, my mood never changes," he answered.

One of his contentions during both trials was that "certain persons" in the Justice Department were out to "get" him. It was an apparent reference to Atty. Gen. Robert F. Kennedy, who was counsel to the Democratic minority during the Army-McCarthy hearings when Mr. Cohn was the senator's counsel.

Mr. Kennedy's name arose during his talk with reporters yesterday when Mr. Cohn was asked if the attorney general will be President Johnson's running mate.

"Goldwater's luck couldn't hold out that long," he said.

ROY M. COHN

Unruffled As Jury Enters Second Day of Deliberations

Journal-American Photo by John E. Hopkins

Cohn Goes Free, Pals Go Whee

By NORMA ABRAMS and HARRY SCHLEGEL

A wild outburst of cheers from his friends greeted attorney Roy M. Cohn, one-time boy wonder of the legal profession, as he was acquitted yesterday on the second go-round in Federal Court on charges of perjury and obstruction of justice.

The jury of 11 men and one woman—which mulled the case a total of eight hours, 37 minutes after getting it Wednesday—also returned a verdict of not guilty for Cohn's co-defendant, lawyer Murray E. Gottesman. The latter had been accused of perjury.

The uproar was touched off at 1:44 A. M. when panel foreman Claude C. Applegate, in response to the usual query from Judge Dudley B. Bonsal, said:

"We have found unanimously the defendants are not guilty."

Cohn and his law partner, Thomas Bolan, jumped to their feet at the defense table and hugged each other. Then both pounded trial counsel Frank Raichle on the back in their joy.

Gottesman hopped up and raced over to the rail separating the well of the court from the spectators' benches. There, he embraced and kissed his wife, Lillian.

Women Try to Kiss Them

Several women in the front row impulsively leaned over the rail to kiss Gottesman, while others tried to get to Cohn. At this point, Bonsal hammered with his gavel to restore order.

The court then ordered all to remain seated until the jurors were discharged. As they prepared to file out, the judge remarked:

"It would be entirely inappropriate for me and, indeed, anyone else, to comment as to your verdict. I have admired the way you have gone about your deliberations. I want to thank all of you from the bottom of my heart."

Bonsal Praised

After the panel had gone Raichle stepped up to the bench and complimented Bonsal "for your fairness and complete consideration throughout this trial." Joining him in praise of the jurist were Gottesman's lawyer, Henry K. Chapman, and the government prosecutor, Assistant U. S. Attorney Gerald Walpin.

The exultant defendants, their lawyers and friends, then trooped down to the press room where the 37-year-old Cohn took off his coat, unbuttoned his collar and chatted with the press.

Raichle said his client's inno-

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Roy Cohn Acquitted

ROY COHN, THE ORDEAL IS OVER

Roy M. Cohn and his co-defendant were acquitted today by a Federal Court jury of 11 men and one woman.

The jury found the former aide to the late Sen. Joseph R. McCarthy not guilty on three counts of perjury and four of obstruction of justice.

His co-defendant, lawyer Murray E. Gottesman, was found innocent of two counts of perjury.

The acquittal came after more than nine hours of deliberation, seven-and-a-half of them yesterday.

It marked an abrupt end to

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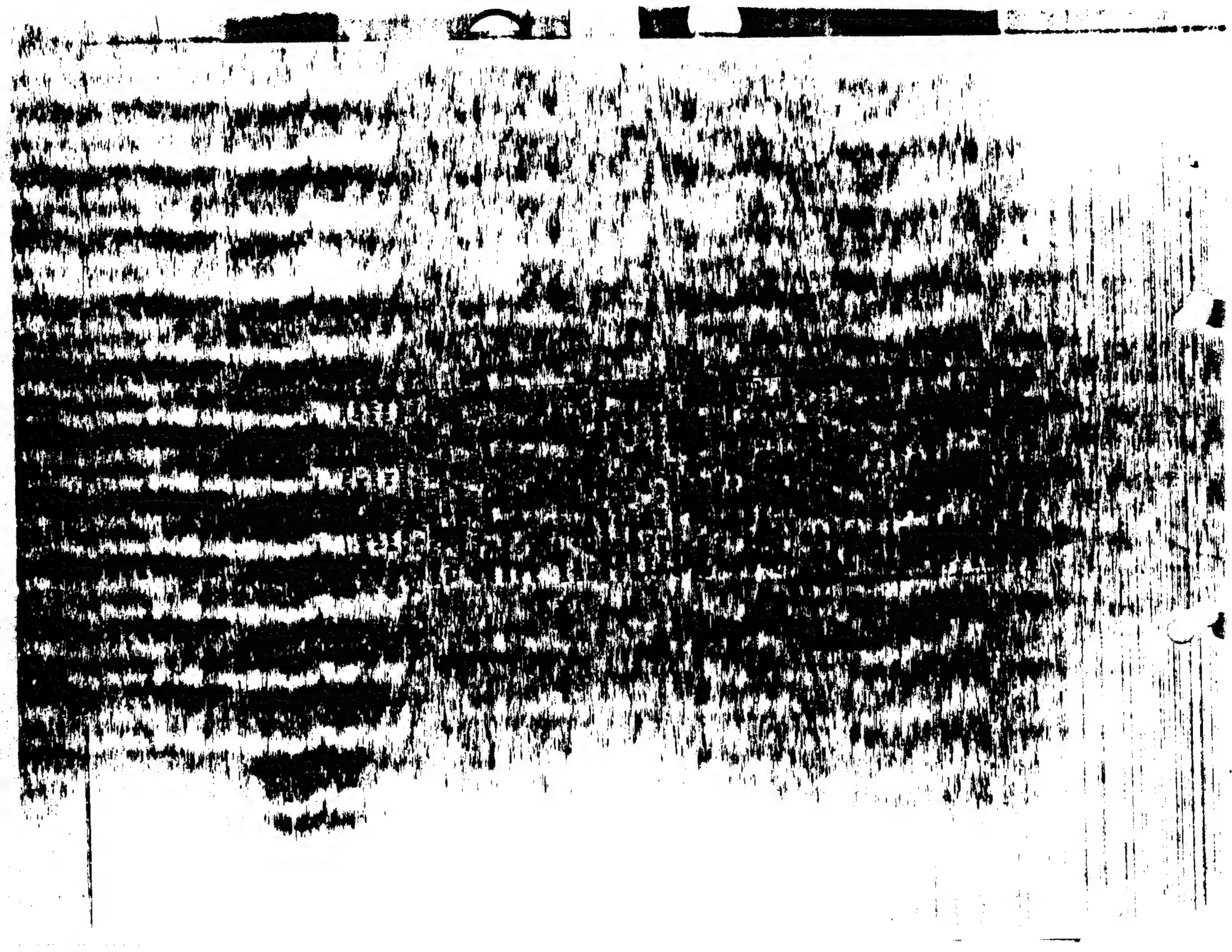

Second Cohn Perjury Trial Going to Jury

The Federal Court retrial of attorneys Roy M. Cohn and Murray E. Gottesman on perjury and obstruction of justice charges stemming from the $5 million United Dye and Chemical Corp. stock swindle goes to the jury today.

The panel of 11 men and one woman, bulwarked by three men and one woman alternates, begins deliberations on the fate of the two lawyers after hearing a charge by Judge Dudley B. Bonsal.

MISTRIAL SAFEGUARD

The alternates will be in on the deliberations to avert repeat of the abrupt end of the first trial when one of the jurors was dismissed because of a death in the family. The alternates had been dismissed when deliberations began.

In a four-hour summation yesterday, Asst. U.S. Atty. Gerald Walpin told the jury:

"The government is convinced you will not be diverted from the issues and the truth by any fogging attempts."

He blasted the defendants as "participants in one of the cleverest, most brazen attempts to obliterate the truth" and told the panel:

"You have to decide who is lying."

The charges revolve on an alleged efforts during the investigation of the United Dye and Chemical case to have the names of four convicted swindlers omitted from an indictment returned in 1959.

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Judge Ready to Give Cohn Case to Jury

After a 25-day trial, Federal Judge Dudley B. Bonsal gives the Roy Cohn case to the jury today.

To avoid a repetition of the mistrial that ended the first Cohn case April 19, four alternate jurors are being retained. The death of a juror's father during deliberations led to the mistrial.

Cohn, charged with blocking indictment of four stock swindlers and then lying to a grand jury investigating the case, faces up to 35 years imprisonment and a fine of $26,000 if found guilty on all nine counts. His co-defendant, attorney Murray E. Gottesman, is charged with two counts of perjury, for which he could get up to 10 years in jail and a $4000 fine.

(Indicate page, name of newspaper, city and state.)

2 NEW YORK WORLD TELEGRAM AND THE SUN

Date: 7/15/64
Edition: METRO
Author:
Editor: RICHARD D. PETERS
Title: MORTON ROBSON FORMER AUSA SDNY;ROY COHN

Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

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Judge Ready to Give Cohn Case to Jury

After a 25-day trial, Federal Judge Dudley B. Bonsal gives the Roy Cohn case to the jury today.

To avoid a repetition of the mistrial that ended the first Cohn case April 19, four alternate jurors are being retained. The death of a juror's father during deliberations led to the mistrial.

Cohn, charged with blocking indictment of four stock swindlers and then lying to a grand jury investigating the case, faces up to 35 years imprisonment and a fine of $26,000 if found guilty on all nine counts. His co-defendant, attorney Murray E. Gottesman, is charged with two counts of perjury, for which he could get up to 10 years in jail and a $4000 fine.

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2 NEW YORK WORLD TELEGRAM AND THE SUN

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Editor: RICHARD D. PETE
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6 NEW YORK POST

Cohn Perjury Case Going to the Jury

For the second time in three months, a federal court jury today will begin deliberating charges of perjury and obstruction of justice against Roy M. Cohn and a co-defendant.

The jury, which heard summations yesterday, will retire after Federal Judge Dudley Bonsal delivers his charge.

Cohn's first trial ended in a mistrial on the fourth day of deliberations as a result of the death of a juror's father.

The 37-year-old lawyer, once chief counsel to the late Sen. McCarthy's investigating subcommittee, is accused of lying before federal grand jury panels probing a 1959 stock fraud indictment. A fellow attorney, Murray A. Gottesman, 57, is charged with perjury.

Summing up after five weeks of testimony, Asst. U. S. Atty. Gerald Walpin yesterday branded the defendants as participants in "one of the cleverest, most brazen attempts to obliterate the truth."

Walpin reviewed government evidence of a scheme in which the defendants arranged to help four since-confessed swindlers escape indictment in the fraud case.

Government witnesses claimed that Cohn got one-third of a $50,000 bribe and the remainder went to Morton B. Robson, chief assistant U. S. Attorney in 1959.

On the stand, both Cohn and Gottesman denied the charges. They claimed that Cohn's role was arranging for Gottesman to represent two of the men summoned before the 1959 grand jury.

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Cohn Jury Alternates Being Held

Federal Judge Dudley B. Bonsal will start charging the jury in the Roy M. Cohn perjury trial at 9:30 this morning.

And to avoid a possible mistrial, as occurred on April 19 after a jury had been deliberating for four days, Judge Bonsal will hold on to the four alternates until the jury in this retrial has been discharged.

The first trial ended in an anti-climax because the father of one of the jurors died. That panel also had four alternates, but they were dismissed after Judge Archie O. Dawson completed his charge.

Assistant U. S. Attorney Gerald Walpin took four hours to sum up yesterday, the 25th day of the current trial, which began June 9. He warned the jury of 11 men and one woman—plus the three men and one woman alternates—not to be sidetracked by what he called defense "fogging attempts."

This was a reference to the defense repeatedly bringing in the name of Leonard R. Glass, who was an assistant U. S. Attorney in 1959 in charge of a $5 million stock fraud investigation which ultimately led to the current indictment of Mr. Cohn on perjury and obstruction of justice charges. A Cohn co-defendant, lawyer Murray E. Gottesman, is charged only with perjury.

There was testimony—elicited by the defense—that Mr. Glass fed grand jury questions in advance to one of four stock swindlers who avoided indictment in 1959, though the four later were named and all pleaded guilty. Mr. Glass, now in private practice, has never come forward—either in the first or second Cohn trial—to deny this sworn testimony.

There also was testimony that Mr. Cohn and Morton S. Robson, who was chief assistant U. S. Attorney in 1959, split a $50,000 payoff to keep the four swindlers from indictment that year. Both Mr. Cohn and Mr. Robson, also now in private practice, gave the lie to this testimony.

Prosecutor Walpin referred to these alleged "improprieties" by the Messrs. Glass and Robson, and noted that the statute of limitations on what happened in August, 1959, had not yet expired. However, since there is a five-year statute, it will expire next month.

If convicted on all seven counts against him, Mr. Cohn, 37, who was counsel to the McCarthy Senate Investigating Committee, faces up to 35 years in prison and $26,000 in fines, while Mr. Gottesman, 37, could get up to 10 years and $4,000 in fines if found guilty on the two counts against him.

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Charge Today To Cohn Jury

Federal Court Judge Dudley B. Bonsal will start charging the jury at 9:30 A.M. today in the retrial of attorney Roy M. Cohn on charges of perjury and obstruction of justice. His codefendant, Murray E. Gottesman, another lawyer, is accused only of perjury.

In a four-hour summation yesterday, Assistant U.S. Attorney Gerald Walpin branded both defendants as "participants in one of the cleverest, most brazen attempts to obliterate the truth."

"You have to decide who is lying," Walpin told the jury of 11 men and a woman.

Both Cohn and Gottesman, whose first trial ended in a mistrial, took the stand and denied all charges.

If convicted, Cohn could get 35 years in jail and $26,000 in fines. Gottesman is liable to a top of 10 years and $4,000.

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Fate of Cohn and Gottesman Put Into Jury's Hands Today

Their fate was being placed in the hands of a Federal Court jury today and Roy M. Cohn and his co-defendant, Murray E. Gottesman, were studies of contrasting moods.

As Judge Dudley B. Bonsal launched into his charge, Mr. Cohn displayed unfailing confidence—a deeply tanned and dapper tanned and dapper figure, in blue business suit, white shirt, and red-and-blue figured tie.

The older Mr. Gottesman sat at the defense table looking preoccupied and deep in thought.

This was the 26th day of their retrial on charges of perjury and obstruction of justice in alleged efforts to prevent the indictment of four men in the United Dye and Chemical Corp. $5-million stock swindle.

ALTERNATES ON HAND

The guilt or innocence of Mr. Cohn and Mr. Gottesman will be decided by a jury of 11 men and one woman.

Also taking part in the deliberations will be four alternates—three men and a woman—to prevent a repetition of the first trial's abrupt end when the father of a juror died.

Usually, alternate jurors are excused when both sides have rested and before the charge is given.

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cence "was obvious from the start. The case tried itself."

Cohn thanked Raichle and Bolan for "the uphill fight they conducted for me." Then becoming serious, he added:

Bobby No Friend

"Above all, do I thank God for the United States, where no matter who in high places moves against you, there is recourse to a jury of 12 Americans."

Although pressed, he refused to identify the "who in high places." But previously he has charged that the case resulted from the enmity of U.S. Attorney General Robert Kennedy. Friction developed between them when they worked for the McCarthy investigating committee.

In a brief statement, the 57-year-old Gottesman said "this has been a nightmare. Now I'll go back to my law practice."

Charges against the two stemmed from their grand jury testimony in a probe to determine how four swindlers escaped indictment in the United Dye & Chemical stock-fraud case. The four were subsequently indicted, pleaded guilty and appeared as prosecution witnesses.

Cohn's and Gottesman's first trial ended in a mistrial on April 18, after 21 days, because of the death of a juror's father. The second trial ended on its 27th day.

FD-350 (Rev. 7-16-63)

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[illegible] Cohn [illegible] Chairman [illegible] Cohn [illegible] Government [illegible] "Not guilty on all counts."

[illegible] and [illegible] Mr. Cohn and Mr. [illegible]—[illegible] seven of Mr. Cohn's nine law partners—[illegible] to check.

[illegible] Neck Quiet

Judge Dudley B. Bonsal gave a relieving look while Federal marshals fought to hush the spectators.

Mr. Cohn put his arms in a [illegible] around Thomas A. [illegible] associate defense counsel, who is one of his partners, and said: "Great! Great!"

Mr. Gottesman wept. "It's [illegible] of a nightmare," he said later.

Mr. Cohn had a victory party at the Stork Club last night at which about 300 friends hailed the jury's decision.

The jury, 11 men and one [illegible]

[illegible] Government [illegible] Cohn [illegible] Government [illegible] Government [illegible] Cohn [illegible] Government [illegible] Government [illegible] Cohn [illegible] Government [

[illegible]

[illegible]

[illegible]

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[illegible] Cohn [illegible] "Happy Days Are Here Again."

Another [illegible] "Roy [illegible] Government Emergency at The Bar" [illegible]

Another group presented him with a tiny [illegible] entitled "The B'g Fellow Award." Mr. Cohn, now of [illegible] and enjoying himself [illegible], accepted the [illegible] with the same [illegible] that he has entered into home play at Hobe Sound, according to Mr. Newhouse.

[illegible] Senator Dirksen [illegible] San Francisco and what my friends are saying . . . What more could a man want?"

William Shea of 312 Park Avenue, a dress manufacturer, said, "I've known Roy all my life—he's the greatest. It's a great victory, isn't it? I was very hopeful when they [the jury] retired for the direct examination of defense witnesses and didn't want the cross."

Henry Gardiniel, president of the American News Company, recalled that "I've known Roy since he was a tot, and his father before him." "Everything turned out for the best, I think," he added.

In a corner of fashionable

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The New York Times

AFTER ACQUITTAL: Roy M. Cohn, flanked by Thomas A. Dolan, left, and Frank C. Dalchel, his lawyers, leaving Federal Court yesterday morning after he received an acquittal on charges of perjury and obstruction of justice.

There was no music on the [illegible] floor of the Stork Club [illegible] night but there was a [illegible] of victory and com- [illegible] vindication among the [illegible] for their man— [illegible] Roy Cohn.

[illegible] Cohn, deeply tanned and looking rested despite the ordeal of two trials, had been cleared some [illegible] hours earlier of perjury charges. [illegible] he was bouncing from table to table at his victory celebration.

"What a victory," Neil

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Walsh Jr., the insurance executive, was saying as he trailed behind Mr. Cohn. "This guy has old-fashioned guts. He's truly amazing."

Friendly, happy shouts of congratulations greeted Mr. Cohn as he walked among the guests. Victor Muscat, Harry Weinberg, Larry Weisman, all who battle side-by-side with Mr. Cohn in the industrial jungle were there.

Se were Mr. and Mrs. Denny later from the world of society, and so was Alice Topping, once linked romantically with Mr. Cohn.

But amid the popping of champagne corks and the pleasant conversation, a small, demure woman, dressed in a pale blue outfit, sat at a table almost unrecognized.

She was Roy M. Cohn's mother, Mrs. Albert Cohn, and she said:

"I just want to say that I have a great deal of faith in the American jury system."

By now the pace of the celebration had quickened. Warren W. Wilentz, an attorney, and the son of David T. Wilentz, the New Jersey Democratic leader, was on the phone.

"Just tell Roy we were all rooting for him," Mr. Wilentz said.

As Mr. Wilentz hung up, a chorus of "Happy Days are Here Again" came from the bar. A Stork Club captain came in with a floral piece from Victor and "Happy" Muscat.

It was done in red and white gladiolas with blue larkspur. A ribbon strung across it read, "Happy Days Are Here Again." Attached to it was a bottle of champagne.

Mr. Cohn and Murray E. Gottesman were quickly handed glasses of the bubbling water as the bright, hot TV lights focused on them.

"I am thrilled with the fact that the American people have recognized justice for all," Mr. Cohn said. "I have great confidence in the American jury system to judge the truth.

"Cardinal Spellman sent me congratulations from Hyannis Port, Mass., where he's on vacation. Sen. Dirksen phoned from San Francisco and Sen. Eastland phoned from Mississippi. And what my friends are saying . . . what more can a man want."

ROY M. COHN AND MOTHER
Celebrate His Acquittal at Stork Club Party
Journal-American Photo by John K. Hopkins

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Cohn's Counsel Completes His Summation in Retrial

Frank G. Raichle, defense counsel for Roy M. Cohn, yesterday completed his summation to a jury in Mr. Cohn's retrial on perjury charges in Federal District Court.

The Government's case, Mr. Raichle contended, rested on the credibility of a number of confessed perjurers, including Samuel S. Garfield, a gambler, and Allard Roen, a stock fraud conspirator.

Henry K. Chapman began summing up for Mr. Cohn's co-defendant, Murray E. Gottesman. He is scheduled to conclude today.

The case is to go to the jury tomorrow.

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Cohn Summation— 'Most Preposterous'

By Milton Lewis
Of The Herald Tribune Staff

"Most preposterous!"

Defense counsel, in summing up yesterday in Federal Court, used those words to describe prosecution testimony that Roy M. Cohn shared in a $50,000 payoff to keep four stock swindlers from indictment in 1959.

The government will make its concluding remarks today in the retrial of Mr. Cohn on perjury and obstruction of justice charges stemming from that securities fraud, involving $5 million. Judge Dudley B. Bonsal will charge the jury tomorrow morning. The retrial began June 9.

Frank G. Raichle, Mr. Cohn's counsel, loudly bemoaned what he called "the great orchestration of silence" on the part of the government in failing to call to the stand two individuals —Leonard R. Glass, a former assistant U. S. Attorney who investigated the 1959 stock fraud, and Silvio J. Mollo, current chief of the criminal division in the U. S. Attorney's office.

Mr. Raichle took the view that they could have exculpated Mr. Cohn and his co-defendant, lawyer Murray E. Gottesman (who is only charged with perjury). But Mr. Raichle did not explain why the defense did not summon either or both of the two, as it could have. Ac- Glass, now in private law practice, fed grand jury questions in advance in 1959 to one of the four stock swindlers who avoided indictment. All four later were indicted and pleaded guilty.

There also was testimony that the four avoided being indicted in 1959 by a $50,000 payoff. According to evidence, one-third of that amount went to Mr. Cohn, who served as counsel to the McCarthy Senate Investigating Committee, and two-thirds to Morton S. Robson, who in 1959 was chief assistant U. S. Attorney and is now also in private law practice. Both Mr. Cohn and Mr. Robson gave the lie to this testimony which Mr. Raichle termed "most preposterous!"

Mr. Raichle on Mr. Cohn: "This man of small stature but great heart, this man who, in my opinion, is a national asset."

If convicted on the seven counts against him, Mr. Cohn, 37, could get up to 35 years in prison and fines totaling $26,000. Should Mr. Gottesman, 57, named in two perjury counts, be found guilty by the jury of 11 men and one woman, he faces up to 10 years and $4,000 in fines.

Their first trial ended in a mistrial on April 19, when, after four days of deliberations, the father of one of the jurors died.

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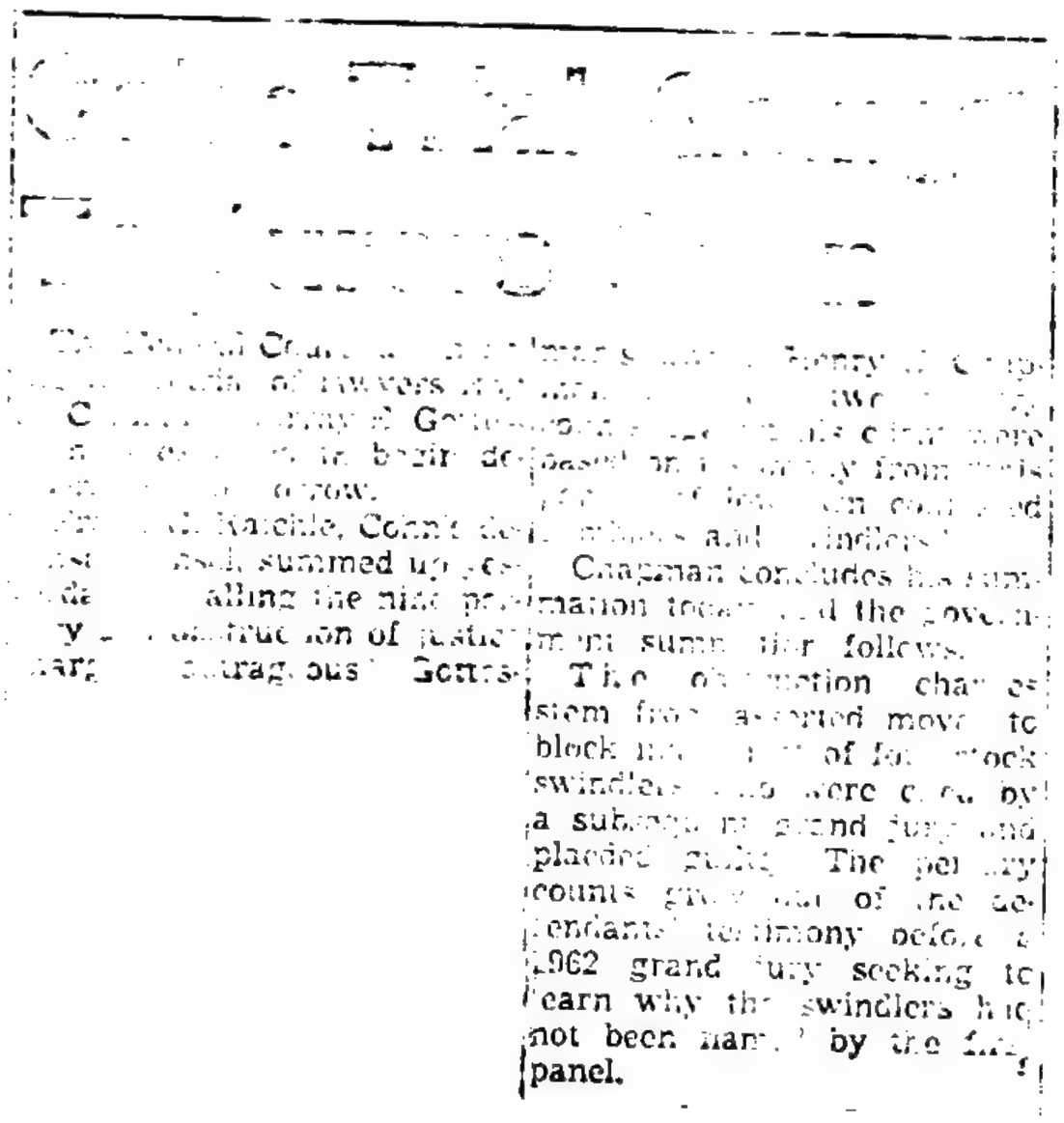

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U.S. Nears End Of Cohn's 2d Perjury Trial

The government winds up its case today in the Federal Court re-trail of Roy M. Cohn and Murray E. Gottesman on perjury and obstruction of justice charges, and the jury is expected to begin deliberations tomorrow.

To preclude the possibility of a second mistrail, Judge Dudley B. Bonsal intends to send 16 persons—the 12 jurors and four alternates—into the jury room after he delivers his charge.

The first trial ended abruptly in April after a woman juror was dismissed because her father had died, and the alternates had already been sent home.

In summing up for the defense yesterday, Mr. Cohn's counsel, Frank G. Raichle, branded as "most preposterous" prosecution charges that the former Senate Investigating Subcommittee counsel had shared in a $50,000 payoff to block the indictment of four men in the $5 million United Dye and Chemical Corp. stock fraud in 1959.

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The Cohn Case—A Step To Avoid Second Mistrial

By Milton Lewis
Of The Herald Tribune Staff

The Federal judge in the Roy M. Cohn perjury retrial —which goes to the jury Wednesday—took a singular step yesterday to avoid a repetition of what happened on April 19.

On that date, after a jury had been deliberating for four days, a mistrial was called because the father of one of the jurors died. According to the foreman of that panel, it stood 11 to 1 for the conviction of Mr. Cohn on one perjury count.

While that jury—like the current one—had four alternates, they were dismissed by trial Judge Archie O. Dawson when he completed his charge on April 16. They could not, under the law, be recalled on April 19.

Now, Judge Dudley B. Bonsal revealed yesterday, he intends to keep the four alternates at this second trial on a stand-by basis all through the deliberations of the first 12 in the jury box.

This plan brought vehement objections from the defense, while Assistant U. S. Attorneys Gerald Walpin and Donald Cohn readily supported the court's safety measure.

Judge Bonsal conceded that he did not know of any authority to justify the procedure but noted that it had been used previously in Federal Court here. He also said he was unaware of any case in which stand-by alternates actually had to be called upon to replace a regular juror after the judge had completed his charge.

Just as the defense objected to Judge Bonsal's plan to keep the four alternates, it also objected—successfully —to continuing that first trial with 11 jurors after the 12th was dismissed because of the death of her father. Under the law, if both sides agree, 11 jurors could have continued deliberations until a final verdict was reached.

The jury in the current trial, which began June 9, consists of 11 men and one woman. The first alternate is a woman, while the next three are men.

After both sides rested yesterday, Judge Bonsal set Monday for summations by lawyers for Mr. Cohn, 37, who served as counsel to the McCarthy Senate Investigating Committee, and his co-defendant, lawyer Murray E. Gottesman, 57. The government will sum up on Tuesday and Judge Bonsal will deliver his charge on Wednesday morning.

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Alternate Jurors in Cohn Trial To Stay on Duty Until Verdict

By WILL LISSNER

A proposal to allow the substitution of alternate jurors for regular jurors after a case has been given to a jury is being prepared by Federal Judges in the Southern District of New York.

The proposal seeks to eliminate one of the principal causes of mistrials — the sudden withdrawal of a regular juror because of illness or family necessity.

The usual practice is for the judge to excuse the alternates when the jury retires to consider its verdict. Judge Archie O. Dawson did so last April 16 in the perjury trial of Roy M. Cohn and Murray E. Gottesman.

A mistrial was declared three days later when one of the jurors had to be excused because her father had died. A retrial that was then ordered has taken 23 days and will not conclude until next week.

Judge Dudley B. Bonsal disclosed the proposal yesterday at the retrial of Mr. Cohn and Mr. Gottesman on perjury charges. The judge said he would follow the proposal, even though the rule has not yet been established.

Finds No Precedent

Judge Bonsal told counsel that he had found no precedent for the substitution of a regular juror by an alternate after the case had been submitted to a jury.

In view of this, the judge told the defense that if such a substitution were necessary it would have the right to appeal a conviction on the basis of his decision to adopt the procedural innovation.

Judge Bonsal said he would have chairs set up for the alternates in the courtroom, so they could hear any communications from court to jury during deliberations.

Both sides rested their cases yesterday. The defense will sum up its case on Monday and the prosecution on Tuesday. The judge will charge the jury on Wednesday.

Frank G. Raichle, chief counsel for Mr. Cohn, said he would require about two and a half hours for his summing up, and Henry K. Chapman, counsel for Mr. Gottesman, said he would need only an hour. Gerald Walpin and Donald J. Cohn said they would need four hours for the prosecution's summing up.

The perjury charges, and an additional charge against Mr. Cohn alone of obstructing justice, arose out of the investigation of the $5 million stock fraud in the looting of United Dye and Chemical Corporation and the unlawful sale of its shares. The manipulations were masterminded by Alexander Guterma.

The cases presented were essentially the same ones offered in the first trial.

The Government sought to show that Mr. Cohn and Mr. Gottesman had lied before a 1962 grand jury when they contended that they had attended a meeting in 1959 with two of four stock swindlers to discuss whether Mr. Gottesman should enter the case as defense counsel.

The Government contended that the story was made up to cover a $50,000 payoff to persons in the United States Attorney's office. It also charges Mr. Cohn with threatening the swindlers.

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Defense Rests In Cohn Retrial

The retrial of attorneys Roy M. Cohn and Murray Gottesman moved near an end when the defense rested its case in Federal Court on the 22d day of the trial.

Cohn and Gottesman are accused of lying to a grand jury probing circumstances of the 1959 inquiry into the United Dye & Chemical fraud case. Cohn is also charged with obstruction of justice.

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Cohn Jury Gets Case Next Week

By Milton Lewis
Of The Herald Tribune Staff

The Roy M. Cohn perjury retrial in Federal Court, which began June 9, is expected to go to the jury early next week.

The defense rested yesterday after its final witness, Louis B. Nichols, a tall, husky former assistant to FBI Director J. Edgar Hoover snapped at short, slight Gerald Walpin, the assistant U. S. Attorney who is prosecuting.

After Mr. Nichols called Mr. Cohn's reputation for veracity "very good," the witness, now executive vice-president of Schenley Industries, gave testimony tending to disagree with some previous prosecution evidence. Then he underwent cross-examination by Mr. Walpin.

The prosecutor inquired whether Mr. Nichols, who retired from the FBI in 1957, had later gotten in touch with that agency at Mr. Cohn's request and asked that the FBI stop making inquiries at Schenley Industries about the Cohn case.

"That is an unmitigated lie," Mr. Nichols thundered.

However, Mr. Walpin brought out that Mr. Cohn was a "close friend" of and "attorney" for Schenley's chairman of the board. He also got Mr. Nichols to concede that Mr. Cohn, "along with others," might have recommended Mr. Nichols for his present position, held for almost seven years.

The FBI, Mr. Nichols testified, had asked Schenley for certain data, including a canceled check. Mr. Nichols acknowledged that "that disturbed me greatly and I did call the FBI to make an inquiry whether the bureau knew the inquiry was taking place."

"And before you did that," Mr. Walpin inquired, "did you get a memorandum from defendant Cohn's attorney, Mr. (Thomas) Bolan, asking you to do that?"

"That is an unmitigated lie!"

Judge Dudley B. Bonsal told the jury of 11 men and one woman that summations would be heard Monday, followed by the charge. The first trial ended in a mistrial on April 19 when the father of one of the jurors died during the fourth day of deliberations.

On trial with Mr. Cohn, 37, who served as counsel to the McCarthy Senate Investigating Committee, is Murray E. Gottesman, 57-year-old lawyer.

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Cohn's Lawyer Rests Case In Perjury-Charge Retrial

The defense rested yesterday in the retrial of Roy M. Cohn and Murray E. Gottesman on perjury charges in Federal District Court here. Mr. Cohn is being tried also on the charge of obstructing justice. The charges arise from the investigation of the United Dye and Chemical stock fraud.

The retrial has been on for 22 days, during the last seven of which the defense, headed by Frank G. Raichle for Mr Cohn and Henry K. Chapman for Mr. Gottesman, has been presenting its case.

Heading the rebuttal witnesses offered by Gerald Walpin and Donald J. Cohn, assistant United States Attorney, was Allen S. Kilmer, Government financial analyst.

He said he had been dissatisfied with the conduct of the United Dye case by Leonard Glass, then Assistant United States Attorney. On cross-examination he admitted he had communicated this to his superiors only by implication.

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GILLESPIE ASSERTS HIS AIDE WAS INEPT

R. Hazard Gillespie, United States Attorney here from 1959 to 1960, yesterday denounced the work of the man who was his assistant, Leonard Glass.

Testifying in Federal Court at the retrial of Roy M. Cohn and Murray E. Gottesman on perjury charges, Mr. Gillespie said a draft indictment Mr. Glass had prepared in the United Dye stock swindle was "a mishmash" and "hopelessly incompetent."

That was in August, 1959. In October, 1959, Mr. Gillespie said, the Department of Justice received information from Alexander Guterma, financial manipulator and stock swindler, indicating that Mr. Glass had omitted four Guterma accomplices from his draft indictment.

Mr. Gillespie said he confronted Mr. Glass with the information and the assistant "whimpered almost like a baby." Mr. Glass confessed, Mr. Gillespie went on, that he took a trip to Las Vegas afterward with an associate of the swindlers but insisted he had paid his own way.

"He was either stupid or a knave," Mr. Gillespie said.

On March 8, 1960, Mr. Glass left the office. In accepting Mr. Glass's resignation, Mr. Gillespie wrote him a letter, Gerald Walpin, assistant United States Attorney, brought out, that praised Mr. Glass's "keen legal ability, dedication and devotion to duty."

CLIPPING FROM THE

NY N Y TIMES

EDITION Late City

DATE JUL 8 1964

PAGE 71

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(NEWS foto by Seymour Wally)
Roy Cohn loosens his tie as he awaits verdict on bench outside Federal Court.

Cohn Jury Deliberates 7 Hours, Is Put to Bed

By NORMA ABRAMS

A Federal Court jury of 11 men and one woman were sent to a hotel at 10:40 last night after failing in 7 hours and 5 minutes of deliberation to reach a verdict in the second Roy Cohn trial.

The panel will resume work at 9:30 this morning in an air-conditioned courtroom of the Foley Square court house, instead of the usual jury quarters.

90-Minute Charge

Judge Dudley B. Bonsal, who turned the case over to the jury at 11:32 A.M. after a 90-minute charge, also locked up four jury alternates.

While deliberating the fate of Cohn, 37, who first gained legal fame as an assistant U.S. attorney, the panel returned to the courtroom twice during the day to listen to transcripts of testimony.

Accused in $50,000 Payoff

Cohn is being tried on charges of perjury and obstruction of justice involving a five-year-old scheme in which a $50,000 payoff was supposedly made to enable four since-confessed swindlers to escape indictment in the United Dye & Chemical Corp. stock fraud case.

His co-defendant, Murray [illegible] Gottesman, 57, another attorney, is charged only with perjury.

This is the second time Cohn and Gottesmann have been before the bar of justice. Their first trial which, like this one, took about five weeks, ended in a mistrial on April 18 because of the death of a juror's father.

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FD-350 (Rev. 7-16-63)

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Cohn Jury Retires for the Night After Rehearing Key Testimony

A jury in Federal Court deliberating perjury charges against Roy M. Cohn and Murray E. Gottesman was ordered locked up in hotel rooms at 10:45 last night until 9:30 A.M. today.

It had weighed the case all day after hearing a two-hour charge by Judge Dudley B. Bonsal. The panel returned to the courtroom twice during the afternoon and evening to hear a reading of testimony in the case.

The case was submitted to the jury of 11 men and one woman by Judge Bonsal at 11:32 A.M. The jury took a dinner recess from 6:30 to 7:50 P.M.

Judge Bonsal held in reserve the alternate jurors, three men and a woman, so they would be available to substitute for any jurors who might have to withdraw. In the first trial of the two defendants, the withdrawal of a juror last April 19 led to a mistrial. The juror asked to be relieved because of the death of her father.

Mr. Cohn and Mr. Gottesman are accused of having lied to a grand jury in 1962 and 1963 to conceal an attempt to influence a Federal investigation in 1959 of the $5 million United Dye and Chemical stock fraud.

They were accused of having perjured themselves when they said they attended a legal conference on Aug. 19, 1959, with two of the United Dye swindlers, Samuel S. Garfield, a Las Vegas gambler, and Allen J. Swann, a lawyer.

The indictment also accused Mr. Cohn of having induced William D. Fugazy, a travel agent, to testify falsely before a grand jury, and with having threatened Garfield and a Las Vegas resort operator, Allard Roen, in an effort to induce them to stop cooperating with the Government.

Garfield, Swann, Roen and Irving Pasternak, a gambler, pleaded guilty in the United Dye case and are awaiting sentence.

Mr. Cohn is the former chief counsel of the Senate Committee on Investigations under the late Senator Joseph R. McCarthy of Wisconsin. Mr. Gottesman is former counsel to the War Crimes Investigation Staff of the Occupying Forces in Japan.

The jury returned to the courtroom first to hear a reading of the testimony of two defense witnesses, Morton S. Robson and his aunt by marriage, Mrs. Shirley Lowe.

The testimony related to a charge by Garfield and Roen that two-thirds of a bribe of $50,000 was paid in Las Vegas to Mr. Robson, then chief assistant United States attorney, to keep their names out of the 1959 United Dye indictment, and that part of the bribe went to Mr. Cohn. Mr. Robson testified that he had never been in Las Vegas in his life.

Judge Bonsal said that the jury would have to take the effect of any disproof of the bribe story into account.

Later, the jury had read to it an F.B.I. interview with Mr. Fugazy. Charges of obstructing justice against Mr. Cohn rest on statements of Mr. Fugazy at the trial. These statements were contradicted in the F.B.I. interview. Mr. Fugazy told the F.B.I. he didn't know of any threats by Mr. Cohn against the United Dye stock swindlers.

Judge Bonsal in his charge pointed out to the jurors that the established rules of procedure required the perjury charge to be sustained by two credible witnesses, or by one witness corroborated by independent evidence.

(Indicate page, name of newspaper, city and state.)

22 NEW YORK TIME

Date: 7/16/64
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Editor: TURNER CATLEDG
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FD-350 (Rev. 7-16-63)

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Cohn Jury Out For Second Day

A federal jury resumes deliberation today on the fate of Roy M. Cohn and a co-defendant.

It was 10:40 p.m. when the 11-man, one-woman jury decided to suspend reviewing the charges of perjury and obstruction of justice against Cohn, 37, and his law partner, Murray E. Gottesman, 57.

Cohn's first trial ended in a mistrial April 19th when a juror's father died.

The wood-panelled courtroom was air-conditioned, but Cohn — former aide to the late Wisconsin GOP Sen. Joseph McCarthy — stepped side yesterday and talked of policies.

"I try not to think about what's happening in there," he said pointing up at the Foley Square courthouse. "I think about the San Francisco convention or my work or my boat," he said stripping off his blue suit jacket and opening his tie.

Cohn said that he would attend the Democratic national convention next month "if the trial is over by then."

There were about 30 family and business friends clustered in the hallways when Cohn was called inside by a court attendant. His face was clouded as he walked in.

"They've decided to retire for the night," said the court attendant and Cohn's face relaxed.

Cohn is accused with Gottesman of helping four since-confessed swindlers escape indictment in a fraud case.

(Indicate page, name of newspaper, city and state.)

5 NEW YORK POST

Date: 7/16/64
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Title: MORTON ROBSO
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Roy Cohn Jury Trying Again

A Federal Court jury today resumed its deliberations in the perjury trial of lawyer Roy M. Cohn and Murray E. Gottesman.

The case was submitted to the jury of 11 men and one woman at 11:32 a.m. yesterday by Judge Dudley B. Bonsal. Eleven hours later, Bonsal ordered the jurors locked up in hotel rooms for the night.

"I suggest you just forget about this case and have a good night's sleep," he advised them. "Just relax."

he two defendants are accused of lying to a federal grand jury about a plot to influence an investigation of the $5 million United Dye & Chemical stock fraud. A previous trial ended in a mistrial when a juror was excused to attend her father's funeral.

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Author:
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Title: MORTON ROBSON
MER AUSA SDNY;ROY

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Gottesman Also Cleared of All Perjury Charges

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1 NEW YORK WORL
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Editor: RICHARD D. PF
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Roy M. Cohn was found innocent in Federal Court today of charges of perjury and obstruction of justice.

His co-defendant, Murray Gottesman, was also cleared of perjury charges.

A jury of 11 men and one woman returned the verdict after 12 hours of deliberation. Forty-five minutes before announcing their decision, the jurors asked Federal Judge Dudley B. Bonsal to clarify four points.

After the clarification, they quickly returned with the verdict. The decision brought cheers from more than 100 spectators in the Foley Square courtroom.

Cohn had been charged with seven counts of perjury and obstruction of justice in connection with his testimony before a grand jury investigating the $3 million United Dye & Chemical Co. stock fraud.

Gottesman was charged with two counts of perjury in the same investigation.

If convicted on all counts, Cohn could have received a total of 35 years in prison and fined up to $35,000.

God Is Thanked

After the verdict was announced, Cohn held a press conference in which he said: "Above everything, I thank God for the United States of America, for no matter who in high places moves against you, there is recourse to a jury of 12 Americans."

Cohn, who has charged the Justice Department and Attorney General Robert F. Kennedy with being out to "get me," was asked to clarify the "high places" remark.

Cohn started to answer, then stopped when his counsel, Frank G. Richle, advised him not to speak on the subject.

Relaxed and happy after the verdict was announced, Cohn was a far cry from the figure who sat slumped in the courtroom while the jury deliberated.

Kisses for Gottesman

When jury foreman Claude C. Applegate announced the verdict, the spectators—especially the women—shrieked their approval. Several women in the first row leaned over and showered Gottesman with kisses. Others tried to step over a chain to reach Cohn and congratulate him.

Bonsal called repeatedly for order.

This marked the 27th day of the second trial of Cohn and his co-defendant. The first had ended in a mistrial when the father of one of the jurors died.

Roy Cohn

FD-350 (Rev. 7-18-63)

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Juror: Cohn Had Better Case

By HELEN DUDAR

The government's case against Roy M. Cohn and fellow-attorney Murray Gottesman apparently collapsed in the jury room over the quality of the prosecution's chief witnesses.

The jury didn't think much of them, according to one member of the federal court panel that yesterday acquitted Cohn, 37, one-time aide of Sen. McCarthy, on charges of perjury and charges of obstructing justice. Gottesman, was indicted only for perjury, also was found not guilty.

The jurors dismissed one important witness, William Fugazy, travel agent and once a close business associate of Cohn, as "just a character in the passing parade of witnesses."

As for the other witnesses—three men Cohn was accused of helping to evade indictment for a stock fraud—all are now awaiting sentence in the swindle. They struck the Cohn juror as "Las Vegas characters."

The jury in the first trial reportedly stood 11-1 for conviction when the case ended in a mistrial because of the death of the father of one of the jurors on the fourth day of deliberations.

The second jury took one day, and its members were apparently never seriously divided about the outcome. "There was a lot of discussion but no wrangling," the juror said. "The defense just seemed to have a more convincing case."

During its deliberations, the defense asked to have testimony read relating to Fugazy's statements to investigators.

Fugazy testified that he acted as an intermediary for Cohn when the 1962-63 grand jury was investigating charges that Cohn had put a "fix" on the 1959 investigation.

Fugazy at first told the grand jury he knew nothing about the case. Then, on the advice of an attorney, he said he went back and admitted that he had carried messages for Cohn warning prospective witnesses not to testify about Cohn's involvement.

Whether the case is now closed out is a question the U.S. Attorney's office would not answer. Goaded by the defense, Asst. U.S. Attorney Walpin told the Cohn jury in his summation last week that the statute of limitations had not expired on he case as it might apply to two other former officials.

They are Leonard R. Glass, an assistant U.S. attorney in 1959, who was suposed to have supplied advance Grand Jury questions to one of the confessed swindlers, and Morton S. Robson, chief assistant U.S. attorney, who, according to at least one government witness, collected a $33,333 payoff two days before the indictment failed to name four men in the swindle.

The statute would expire in five weeks. Yesterday, U.S. Attorney Morgenthau would not comment on whether his office will move to bring that aspect of the case before the grand jury.

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4 NEW YORK POST

Date: 7/17/64
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Editor: DOROTHY SCHIFF
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FD-350 (Rev. 7-16-63)

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The Roy Cohn Case

A first jury could not agree; a second jury has found Roy Cohn (and a lesser-known co-defendant) innocent of charges of perjury and obstruction of justice.

For Mr. Cohn the outcome climaxes many months of suspense. We hope the nature of his ordeal will give him a new reverence for the system of due process of law which has finally enabled him to claim vindication. He had many days in court; he had all the weapons of self-defense inherent in our Bill of Rights; he had the final appeal to the doctrine of "reasonable doubt."

In a time when he was riding high as boy prosecutor and counsel to the McCarthy committee, Cohn did not exhibit any conspicuous respect for the rights of the accused. Perhaps this experience will give him a certain compassion and humility, and cause him to look back with some penitence on an era when he was less appreciative of the American system of justice, and utterly blind to the concept that a man must be deemed innocent until proven guilty under the rules of law. His acquittal could be the beginning of his education.

Now that the trial is over and the verdict is in, it is also legitimate to comment on the reckless outcries against U. S. Attorney Robert Morgenthau which marked Cohn's behavior during the first trial. Of all people, Roy Cohn should have been the last to charge that a prosecution based on serious testimony represented a sinister "vendetta"; he had condemned many men — on far less substantial testimony — without benefit of any extended judicial proceedings.

Finally, we hope that the many months in which he endured the uncertainly of these proceedings and contemplated their possible consequences will give him some small glimpse of the damage he inflicted on many anonymous, defenseless citizens and their families when he was serving as hatchet-man for the McCarthy squad.

(Indicate page, name of newspaper, city and state.)

34 NEW YORK POST

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Cohn Jury Adjourns, Resumes Today

By Milton Lewis
Of The Herald Tribune Staff

Following the pattern of the first trial, the jury in the Roy M. Cohn perjury retrial adjourned to a hotel at 10:45 last night, with deliberations to resume at 9:30 this morning.

When the panel received the case in Federal Court shortly before noon yesterday, Mr. Cohn stood by the observation he made at the same stage in the first trial:

"I don't see how anyone can expect 12 people to agree about anything concerning me."

Where the initial trial wound up anti-climactically

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trial April 19 because of the death of a juror's father after four days of deliberations, close associates of the one-time "boy wonder," now 37, predicted that this second panel would be out for about a week.

Federal Judge Dudley B. Bonsal indicated that he, too, did not anticipate a quick decision. He advised the panel of 11 men and a widow to come in yesterday with overnight bags. He also let it be known that he had made hotel reservations — just in case — since accommodations in midtown are hard to come by.

Though Judge Bonsal, in a 90-minute charge ending at 11:30 a. m., made no reference to the earlier trial—which covered 21 days as compared to the current one which has already taken 26 days—the bench advised the jury:

"You can see how important it is to both the defendants and the government that this case be decided."

Mr. Cohn, wearing a blue suit and a starched shirt collar, appeared to be his usual dapper self yesterday. He noted that the length of his two trials made him feel "as if I have served a sentence." On trial with the one-time counsel to the McCarthy Senate Investigating Committee is another lawyer, Murray E. Gottesman, 57. Mr. Cohn is charged with three perjury counts, Mr. Gottesman two. Mr. Cohn also is accused in four counts of obstructing justice.

Where the four alternates in the first trial were dismissed when the jury got the case, Judge Bonsal held on to the four alternates this time, so that if one of the first 12 on the panel has to bow out for some emergency, a replacement will be on hand.

The charges against Mr. Cohn and Mr. Gottesman stem from the fact that four subsequently confessed stock swindlers avoided indictment in 1959. There was evidence concerning an alleged $50,000 payoff to save the four, with, according to testimony, one-third going to Mr. Cohn and two-thirds to Morton S. Robson, who was chief Assistant U. S. Attorney in 1959. Both Mr. Cohn and Mr. Robson denied ever getting a penny of dirty money.

If convicted, each defendant could get up to five years in prison on each count, in Mr. Cohn's case adding up to 35 years on the seven counts.

Herald Tribune photo by BILL SAURO

A SUNNY, SHIRTSLEEVE wait begins again for alleged perjurer Roy Cohn yesterday outside U. S. Court House.

FD-350 (Rev. 7-15-63)

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COHN AGAIN CHARGES MORGENTHAU 'DEAL'

Roy M. Cohn repeated at his retrial in Federal Court yesterday his accusation that United States Attorney Robert M. Morgenthau was a party to a deal with stock swindlers aimed at jailing Mr. Cohn.

Mr. Cohn said Samuel S. Garfield, oil promoter who was a principal in the United Dye and Chemical stock fraud, told him in 1961 that he had engaged as his attorney William Mulligan, who had "connections" with the United States Attorney's office and "very friendly relations" with Mr Morgenthau.

Mr. Cohn said Garfield told him that as a result of Mr. Mulligan's representation Allard Roen, manager of a Las Vegas gaming resort, would get a suspended sentence and he, Garfield, would get, at most, a light sentence.

But the refusal of another member of the ring, Irving Pasternak, to plead guilty, and objections from the Securities and Exchange Commission held up the "deal," according to the account Mr. Cohn said he got from Garfield.

Mr. Cohn denied each of the counts in the indictment charging perjury and obstructing justice. His first trial in April ended in a mistrial.

(Indicate page, name of newspaper, city and state.)

46 NEW YORK TIME

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'Mail Cover' Probe Sought

Hearst Headline Service Special to The N. Y. Journal-American

WASHINGTON, July 2—Sen. Edward V. Long (D.-Mo.) has urged a Senate investigation of government use of "mail covers"—the halting of a person's mail until the names and addresses of senders can be recorded.

Sen. Long said he thought this was "a violation of an individual's rights."

The Missouri Senator, chairman of the Administrative Practices Subcommittee, made the request for hearings to Sen. Olin D. Johnston (D.-S. C.), Post Office Committee chairman, it was learned.

Sen. Johnston said that he, too, was worried about mail covers and thinks "the government has gone a little too far at times." But he said he wanted to discuss hearings with other post office committee members before "I say yea or nay on them."

Sen. Long, who has often defended freedom of information and individual rights, said the trial of Roy Cohn, former aide to the late Sen. Joseph McCarthy (R.-Wis.), raised serious questions in his mind.

"A Federal prosecutor in New York, Herald Price Fahringer, acknowledged four months ago that a mail cover was put on Mr. Cohn, whose second trial is now going on, and on Mr. Cohn's attorney. The prosecution said the watch was to discover who wrote letters to the two men and where the mail originated. No mail was opened, it was claimed.

New York Federal Judge Archie O. Dawson called the mail cover "shocking," saying it "smacks of Russia rather than the United States."

Sen. Long was less vehement but equally firm:

"I have a bill in now to make it a criminal offense for postal officers to place mail covers and divulge information. This is a case (the Cohn case) which might make an argument for its passage."

Sen. Long said he has asked Sen. Johnston to hold hearings "at the earliest possible opportunity," and the witnesses should include representatives of various government agencies.

"One of the people to hear would be Mr. Walpin, but only after the trial in New York is over," he said. "I am also concerned about whether other district attorneys are using mail covers."

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JUL 6 1964

FBI—NEW YORK

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Roy Cohn Takes Stand To Testify for Himself In Second Perjury Trial

Testimony Is Essentially Same As First Trial, but Appearance Marks Shift in Defense Lineup

By a WALL STREET JOURNAL *Staff Reporter*

NEW YORK—Roy M. Cohn took the stand in his own defense at his retrial on charges of perjury and obstruction of justice.

His opening testimony was essentially unchanged from that he gave during the month-long first trial, which ended in a mistrial April 19. But his appearance was part of a drastic reshuffling of the lineup of defense witnesses, a maneuver apparently designed to throw Federal prosecutors off balance in their preparations for cross-examination.

At the first trial, the New York lawyer-businessman and former legal aide to the late Senator Joseph McCarthy was the eleventh defense witness to take the stand. Mr. Cohn's attorneys at that time completed his case before witnesses were called in behalf of his co-defendant, Murray E. Gottesman, a New York lawyer who is charged with perjury.

Tuesday, however, Mr. Gottesman took the stand as the first defense witness, and his case, except for character witnesses, was basically completed yesterday. Mr. Cohn then became the first witness in his own behalf, except for a character witness who appeared Tuesday. Both defendants have interrupted their testimony for character witnesses. Mr. Cohn will continue his direct testimony this morning.

Mr. Cohn and Mr. Gottesman are charged with attempting in 1962 and 1963 to prevent a Federal grand jury from learning why four admitted swindlers escaped indictment in 1959 in connection with the $5 million United Dye & Chemical Corp. stock fraud.

Character witnesses for Mr. Cohn at the current trial have included Jack O'Brian, television columnist for the New York Journal-American, and Julius Klein, a retired Army major-general and head of a Chicago public relations agency that bears his name.

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Defense Case Begins In the Retrial of Cohn

Murray E. Gottesman, was the first defense witness yesterday at his retrial with Roy M. Cohn on perjury charges arising out of the Government's investigation of the United Dye and Chemical Corporation stock fraud five years ago.

Mr. Gottesman, who, like Mr. Cohn, is a lawyer, told essentially the same story as he had told at the first trial: attending a meeting in 19[illegible] with two confessed stock swindlers, Samuel S. Garfield, oil promoter, and Alan H. Swann, lawyer. They denied attending such a meeting.

At the opening of court Judge Dudley B. Bonsal denied motions to dismiss two perjury counts against Mr. Cohn, holding that evidence presented by the Government was sufficient to present a question for the jury.

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43 NEW YORK TIMES

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Federal Judge Denies Motions for Acquittal In Cohn Perjury Trial

By a WALL STREET JOURNAL *Staff Reporter*

NEW YORK—Federal District Judge Dudley B. Bonsal denied defense motions for directed acquittal on two charges of perjury against Roy M. Cohn. The judge didn't comment on his rulings.

Similar motions relating to the other five charges against Mr. Cohn and to the two charges against his co-defendant, Murray E. Gottesman, were denied Monday.

Mr. Gottesman, a New York lawyer, spent all day yesterday testifying as the first defense witness.

He and Mr. Cohn, the attorney-businessman and one-time legal aide to the late Sen. Joseph McCarthy, are charged with perjury and obstruction of justice. They are accused of attempting in 1962 and 1963 to prevent a Federal grand jury from learning why four admitted swindlers escaped indictment in 1959 in connection with the $5 million United Dye & Chemical Corp. stock fraud.

Mr. Gottesman denied charges that allege he twice lied to the grand jury in stating that he was retained by two of the United Dye associates at a meeting on Aug. 19, 1959, to perform legitimate legal services. The Government contends the meeting never took place.

On cross-examination, prosecutor Gerald Walpin challenged Mr. Gottesman's version of the 1959 events and declared the defendant had revised his story to make it plausible after listening to the testimony of prosecution witnesses. Mr. Gottesman termed the allegation "preposterous."

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Prosecutors Rest Case On 15th Day of Cohn, Gottesman Retrial

Defense to Call First Witnesses Today; Second Trial Is Running Far Behind Pace of Initial One

By a WALL STREET JOURNAL *Staff Reporter*

NEW YORK—Federal prosecutors rested their case against Roy M. Cohn and Murray E. Gottesman, midway through the 15th day of the two New York lawyers' retrial. They are charged with perjury and obstruction of justice.

Defense attorneys will call their first witnesses this morning.

Mr. Cohn, the controversial former legal aide to the late Sen. Joseph McCarthy, and Mr. Gottesman are accused of trying to keep a Federal grand jury in 1962 and 1963 from learning the truth about their 1959 relations with four admitted swindlers in the United Dye & Chemical Corp. stock fraud.

The grand jury was investigating allegations that Mr. Cohn and Mr. Gottesman had a hand in keeping the four swindlers from being made defendants in the initial United Dye indictment in 1959. The four were indicted in 1960 and 1961 and pleaded guilty in 1962 to part of the charges stemming from the $5 million fraud.

Federal District Judge Dudley B. Bonsal yesterday denied defense motions for directed acquittal on the two counts, both alleging perjury, against Mr. Gottesman and on five of the seven counts against Mr. Cohn. The judge reserved his decision until this morning on Mr. Cohn's efforts to have two perjury counts against him dropped.

Evidence introduced by the Government on each of these two counts consisted of the direct testimony of one witness supported by certain other indirect and circumstantial material. The defense contends the evidence didn't satisfy rules of law governing proof of perjury.

The seven counts against Mr. Cohn include three perjury counts and four obstruction-of-justice counts.

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First Trial Ended in Mistrial

The month-long first trial of Mr. Cohn and Mr. Gottesman ended in a mistrial April 19, when a juror was excused from deliberations on a verdict because of the death of her father.

The second trial is running well behind the pace of the first one, in which the Government rested its case at the end of the 10th day. Frank G. Raichle, Jr., Mr. Cohn's attorney, had only 10 days to prepare for the first trial.

The second time around, Mr. Raichle conducted more searching cross-examinations of Government witnesses. Lawyers on both sides have been quicker to object to questions posed by their opponents. There have been frequent conferences at the bench with Judge Bonsal out of earshot of the jury, over matters of admissible questions and evidence.

The time thus consumed has more than offset the efforts of Gerald Walpin and Donald Cohn (not related to the defendant), the prosecutors, to streamline their case somewhat.

Key Point Won by Government

The Government won a key point last week in preventing Mr. Cohn's attorney from introducing adverse testimony about the character of a major Government witness, travel agent William D. Fugazy. Mr. Fugazy formerly was a friend, client and business associate of Mr. Cohn. Mr. Fugazy testified he carried messages for Mr. Cohn and lied about them to the Federal grand jury at Mr. Cohn's behest.

Between the two Cohn trials, a New York state judge issued a ruling in a civil case involving Mr. Fugazy and said Mr. Fugazy gave "wholly untruthful" testimony during it. Mr. Cohn tried to use this at his trial to discredit Mr. Fugazy, but Judge Bonsal granted the Government's request to block it. Mr. Raichle was allowed to refer only to a decision unfavorable to Mr. Fugazy.

The ground for the judge's ruling wasn't disclosed. As with several other matters, Judge Bonsal heard argument in a closed session and didn't announce his decision in open court. Reporters were aware of his decision only because Mr. Raichle didn't quote the state judge in questioning Mr. Fugazy.

In more than one instance, Judge Bonsal has impounded motion papers and ordered attorneys not to disclose the contents to newsmen.

U.S. Winds Up In Cohn Case

United Dye & Chemical Co. stock swindle case.

After parading its 23d witness to the stand, the government rested yesterday in the retrial of attorneys Roy Cohn and Murray Gottesman on perjury charges.

Defense lawyers promptly moved for a directed verdict of acquittal on the grounds of "complete failure of proof" but Judge Dudley B. Bonsal as promptly denied the motions.

The charges stem from the

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Cohn Trial: U.S. Rests

After 15 days of presenting evidence, the prosecution rested yesterday in the Roy M. Cohn retrial in Federal Court on perjury and obstruction of justice charges. The defense will start today.

The government called 23 witnesses, and it was expected that the defense will summon about the same number it did at the first trial, 39. The first trial ended in a mistrial on April 19, when the father of one of the jurors died. Murray Gottesman, like Mr. Cohn a lawyer, is a co-defendant, though he is charged only with perjury in a case stemming from a $5 million stock swindle.

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

JUDGE BIDS COUNSEL SPEED COHN'S TRIAL

Federal Judge Dudley B. Bonsal tried yesterday to speed up the second trial of Roy M. Cohn and Murray E. Gottesman on perjury charges. It has been on for 14 days.

After the jury had left the courtroom for the morning recess, Judge Bonsal told the lawyers:

"I think you know by this time I am quite a gentle man, but I do ask you, please, to carry on this trial in a little more expeditious way. I think there have been an awful lot of interruptions and an awful lot of repetition. I would ask if you could do your best in the future not to repeat."

The prosecution, conducted by Gerald Walpin and Donald J. Cohn, assistant United States Attorneys, is several days behind its previous schedule. Frank G. Raichle, Mr. Cohn's lawyer, and Henry K. Chapman, Mr. Gottesman's, have been conducting searching cross-examinations.

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Editor: TURNER CATLEDGE
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Roy Cohn Jury Is Told U.S. Attorney Fed Data To United Dye Suspects

Details of Accusations Involving Prosecutor in Stock Swindle Elicited by Counsel for Cohn

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—The Federal prosecutor who led the 1959 investigation of the United Dye & Chemical Corp. stock fraud regularly fed information about the case to potential defendants, according to a Government witness at the retrial of Roy M. Cohn.

The prosecutor, Leonard Glass, joined the U.S. Attorney's office in New York in 1959 with an eye to the possibility of granting favors in return for promises of legal business when he returned to private practice, the witness, Sidney Barkley, testified.

Allegations implicating Mr. Glass in the omission of four admitted swindlers from the 1959 United Dye indictment came out at the first trial of Mr. Cohn and co-defendant Murray E. Gottesman. That case ended in a mistrial April 19.

Defense Intensifies Efforts

Further details about Mr. Glass's alleged 1959 activities were elicited on cross-examination yesterday, as the defense intensified its efforts to shift the onus in the case to Mr. Glass from Mr. Cohn and Mr. Gottesman.

Despite the testimony of Barkley, an ex-convict who pleaded guilty to one count of a 1961 United Dye indictment, and others, no charges of any kind have been filed against Mr. Glass. Mr. Glass has repeatedly denied comment on the testimony at the Cohn trial.

Gerald Walpin, the assistant U.S. attorney leading the prosecution of Mr. Cohn and Mr. Gottesman, said last week the Government is still investigating Mr. Glass.

The perjury and obstruction of justice charges on which Mr. Cohn and Mr. Gottesman are being tried grew out of the Federal prosecution of the $5 million United Dye fraud. Three indictments were filed in that case—in 1959, 1960, and 1961. But four key figures—Samuel S. Garfield, Allen K. Swain, Allard Roen and Irving Pasternak—escaped being made defendants in the 1959 indictment filed by a Federal grand jury under the direction of Mr. Glass.

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The four associates later were indicted and pleaded guilty to part of the charges.

Government's Contention

In the current case, the Government contends Garfield hired Mr. Cohn and, through him, Mr. Gottesman to contact the chief assistant U.S. attorney, then Morton S. Robson, to block the indictment of the four. However, no formal charges of this kind have been brought against Mr. Cohn and Mr. Gottesman. Instead, they are charged with preventing a Federal grand jury in 1962 and 1963 from learning the truth about their 1959 relations with the United Dye swindlers.

No charges of any kind have been filed against Mr. Robson, who has a private law practice in New York. He denied all the accusations against him under oath, as a defense witness at the first Cohn trial.

At the first Cohn trial, Garfield testified Mr. Glass came to his hotel room for a conference a few days before the United Dye indictment was issued. And Barkley said Mr. Glass provided a list of questions so Swann could prepare his testimony before the grand jury that handed down the indictment.

Mr. Glass had been Barkley's attorney in 1957, when Barkley pleaded guilty of selling unregistered securities and spent 6½ months in a Federal prison. Barkley also was a friend and associate of Garfield in the United Dye fraud.

Under questioning by Frank G. Raichle, Jr., Mr. Cohn's counsel, yesterday, Barkley said he had a conversation late in 1958 with Mr. Glass, who asked advice about accepting a Government job. Barkley said he advised Mr. Glass to take the job, because "he could do things for friends of ours." Mr. Glass became an assistant U.S. attorney early in 1959. In June or July of that year, Barkley continued, Mr. Glass told him he had been assigned to an investigation of United Dye.

Reports From Mr. Glass

From that time on, Barkley said, he got reports from Mr. Glass about the investigation and passed them on to Garfield.

In August Mr. Glass said he was having a problem with his superior and that one of the principals in the case would have to appear before the grand jury, Barkley related; Mr. Glass suggested Swann would be the best one. Swann has testified at the current trial, telling how he studied for the interrogation with material said to have come from Mr. Glass.

Barkley added that Mr. Glass advised him to tell Swann "not to talk too much, just to answer the questions" and to assure Swann "he would be well treated."

After the indictment omitting Garfield and his friends was filed, Barkley said he joined Mr. Glass on a vacation trip to Los Angeles and Las Vegas, financed by a $1,000 gift from Garfield.

Garfield cautioned Barkley to have Mr. Glass pay his own bills, and then reimburse him, Barkley said. In Las Vegas, Barkley said, Garfield arranged for them to stay at the Sands Hotel, "compliments of the house"; they also bought some clothing and put it on the Sands bill. Garfield gave Barkley another $2,000 in Las Vegas, Barkley added.

"Hoped to Get Some Business"

Asked what Mr. Glass hoped to gain from Garfield, Barkley said Mr. Glass "hoped to get some business when he went back into private practice." When Barkley told this to Garfield, Barkley continued, Garfield said he would be "glad" to oblige.

Mr. Raichle asked Barkley if he told a man named Morris Miller, who wasn't further identified, in 1959 in Las Vegas that Mr. Glass had kept the four United Dye associates out of the indictment.

"No, I don't recall that," Barkley replied, "At the time, it was my opinion that Roy Cohn. . . ." Mr. Raichle broke in with an objection, and was sustained by Judge Dudley B. Bonsal. The judge also prevented prosecutor Donald Cohn (not related to the defendant) from returning to the matter on re-direct examination.

Barkley, a tall, dark, heavy-browed man who spoke in a low voice, was unemployed when he testified last April. Since then, he said, he has obtained a job selling film to television stations. Like Garfield, Swann, and Roen, Barkley hasn't yet been sentenced in the United Dye case.

Mr. Raichle asked him if he expected leniency in return for his testimony. Barkley answered that when he pleaded guilty, he "never knew there would be a case like this" or that he would be subpoenaed to testify. "I'd like to be sentenced and get it over with," he declared. But he said he hopes for "consideration."

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COHN TRIAL TOLD OF U.S. AIDE'S ROLE

Witness Says Ex-Prosecutor Helped Men in Fraud

By WILL LISSNER

One of the top Federal prosecutors in the United Dye and Chemical stock fraud case was described yesterday as having taken a post in the United States Attorney's office to protect the swindlers.

The prosecutor, Leonard Glass, former Assistant United States Attorney, protected the swindlers, a witness in Federal District Court here testified and in lieu of a cash pay-off was promised "plenty" of legal business when he left the Federal service and opened his own law office.

The charges against Mr. Glass were voiced by an ex-convict and former boiler room operator, Sidney Barkley, who was associated with Samuel A. Garfield in the $5 million United Dye stock fraud conspiracy. Garfield, a Nevada gambler, oil promoter and admitted stock swindler, was an associate of Alexander L. Guterma, financier jailed for stock fraud.

The testimony was brought out for the first time yesterday at the retrial of Roy M. Cohn and Murray E. Gottesman on perjury charges.

Consulted Witness

Barkley, now a Los Angeles film salesman, has pleaded guilty to stock fraud conspiracy, as has Garfield. Barkley was under cross examination by Frank G. Raichle, lawyer for Mr. Cohn.

Barkley said that in late 1958 Mr. Glass, who had been his lawyer in a stock-fraud case in 1956, told him he had prospects of becoming an assistant United States attorney.

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"I thou[illegible]
idea if h[illegible]
U.S. Gov[illegible]
"Did yo[illegible] do things for friends of yours?" Mr. Raichle asked.

"Yes, I did," Barkley replied.

What Mr. Glass did, Barkley asserted, was the following: He kept the Garfield ring, through Barkley, informed of the course of the grand jury investigation of the United Dye and Chemical stock fraud, which Glass conducted. He provided one of the conspirators, Allen K. Swann, with a list of questions he would ask. He kept Garfield and three associates from being indicted for some time.

Tells of Paying Bills

Barkley said Garfield gave him $3,000 to pay his and Mr. Glass's bills when they went on a trip to California and Nevada. When Mr. Glass was ready to leave the United States Attorney's office and re-enter private practice, he expressed the hope that Garfield would give him legal business, Barkley said.

Barkley said he had told Garfield that Mr. Glass wouldn't take a cash pay-off, but hoped to get some legal business, which Garfield promised, Barkley added.

Mr. Glass served under S. Hazard Gillespie, former United States Attorney and Morton S. Robson former Chief Assistant United States Attorney.

At Mr. Cohn's trial on April 7 Mr. Gillespie testified that he not Mr. Cohn, had made the decision to omit from a 1959 indictment the names of the four men who later pleaded guilty as swindlers.

At that trial the imputation was left that Mr. Robson had taken a $33,333 bribe, which Mr. Robson denied, saying he had never been in Las Vegas.

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Cohn Trial Testimony By Ex-Con

By Milton Lewis

Of The Herald Tribune Staff

A Federal prosecutor supplied grand jury questions in advance to a swindler in exchange for "a lot" of future legal business as a private practitioner, an ex-convict testified yesterday at the Roy M. Cohn perjury retrial.

The witness, Sidney Barkley, swore in Federal Court that he obtained in 1959 a list of grand jury questions from then Assistant U. S. Attorney Leonard Glass which were to be put to Allen K. Swann, a subsequently confessed stock swindler. Mr. Glass was in charge of the grand jury investigating a $5 million United Dye & Chemical Corp. stock fraud.

Barkley testified that he gave the questions to Samuel S. Garfield, a fellow swindler of Swann's, for passage to the latter. At about the same time, according to Barkley, Mr. Glass said he (Glass) hoped he would "get some business from Mr. Garfield when he and (Glass) got out of the U. S. Attorney's office."

"You can tell him (Glass) he can really look forward to a lot of business when he gets out of the U. S. Attorney's office," Barkley quoted Garfield as saying.

Mr. Glass was in that office from February, 1959, to January, 1960, and has been in private practice since. He has an office on Madison Ave.

After Swann, prepared with advance questions, testified before the grand jury in August, 1959, the panel kept him, Garfield and two other swindlers out of an indictment filed against several others.

And right after that indictment—not naming the four—was opened, Barkley testified that he and Mr. Glass went on a trip to Los Angeles and Las Vegas.

And Barkley admitted that he lied to the FBI when he told its agents that Mr. Glass paid his own expenses. Barkley also conceded, while under cross-examination by Mr. Cohn's lawyer, Frank G. Raichle, that he (Barkley) lied when he told the FBI that he and Mr. Glass did not discuss "business."

Mr. Cohn is on trial on perjury and obstruction of justice charges, along with lawyer Murray E. Gottesman, charged only with perjury. Their indictment stems from a 1962-'63 grand jury's attempts to learn why Swann, Garfield and their two fellow swindlers—all of whom subsequently were indicted and pleaded guilty—were not named in that 1959 indictment. As for Barkley, he has also pleaded guilty to being in on the swindle and is awaiting sentence.

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30th Jurors H[illegible] 2d Swindler's [illegible]

By TED POSTON and IRVING LIEBERMAN

The second of four swindlers who escap[illegible] indictment in the 1959 grand jury investigation of the $5,000,0[illegible] United Dye stock scandal testifies today against Roy M. Cohn [illegible] Harvey E. Gottesman in their perjury and obstruction of [illegible] re-trial.

Allen K. Swann, an Indiana lawyer awaiting sentence for stock fraud on a later United Dye indictment, took the stand late yesterday.

Swann followed Samuel S. Garfield, another swindler also awaiting sentence, and is expected to back up Garfield's testimony that Cohn and Gottesman lied to a 1962 grand jury looking into the earlier United Dye "fix."

The two lawyers were indicted for perjury after they told the 1962 jury that they had attended a meeting in Garfield's Hotel Pierre suite on Aug. 19, 1959, where Gottesman had been hired to represent Garfield and Swann in United Dye case.

The prosecution charges that Cohn and Gottesman "concocted" the story of the Pierre meeting to cover up their real activities in behalf of the four swindlers not named in the original United Dye probe.

In his brief testimony, Swann told how he was summoned here by Garfield on Aug. 18, 1959, to testify before the 1959 grand jury. He described a conference in Garfield's suite the next morning, participated in by Hyman Lehrich, then United Dye counsel, and Sidney Barkley, another swindler— but not by Cohn and Gottesman.

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Cohn Ordered to Pay 552G in Stock Deal

Supreme Court Justice Joseph A. Sarafite yesterday ordered Roy M. Cohn to pay $552,000 to Martin B. and Augustus J. Steinthal of 222 Park Ave. South in a breach of contract action. Cohn said he would appeal.

The suit arose from the purchase in 1961 by the Lionel Corp., then controlled by Cohn, of a business owned by the Steinthals. Payment was made in Lionel stock.

The Steinthals said Cohn had assured them in writing that he would buy back Lionel common shares in sufficient amount to yield $800,000. But, said the Steinthals, Cohn failed to do so and they were forced to sell the stock for $247,800.

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Lionel Bill for Cohn—$552,000

By Richard Phalon
Of The Herald Tribune Staff

Roy M. Cohn, who has been having his troubles in court lately, ran into a fresh problem yesterday, this one in the shape of a $552,000 summary judgment.

Mr. Cohn was ordered to pay the $552,000 as the balance due under an agreement he made with Martin B. and Augustus J. Steinthal. The Steinthal brothers were guaranteed $800,000 by Mr. Cohn, then chairman of Lionel Corp., for merging their parachute manufacturing company with Lionel in 1961.

The guaranty took the form of a contract giving the brothers the right to sell at $17.78 a share 44,955 of the 123,000 shares of Lionel stock they were paid for their company.

Roy Cohn

The decision in favor of the Steinthals was handed down yesterday by Justice Joseph A. Sarafite in State Supreme Court (an easy chip shot up Foley Square from where Mr. Cohn is standing trial on charges of perjury and obstruction of justice). The judgment sustained the Steinthal allegation of breach of contract.

A law partner of Mr. Cohn

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~~said yester~~day that a petition for a rehearing will be filed "quite promptly," and if this is not granted, "an appeal is certain."

The transaction with the Steinthals took place at a time when Mr. Cohn was expanding the ailing toymaker's horizons, and Lionel stock had moved into a giddy climb. But by June, 1962, the stock had begun to slump, and the Steinthals attempted to exercise their option to sell.

There was a disagreement over the terms of the contract. The Steinthals bought their company back from Lionel for around $800,000, ~~ran an~~ abortive proxy fight against Mr. Cohn, and started suit.

In Federal Court yesterday, Mr. Cohn listened intently as one of the government's key witnesses against him, self-confessed stock swindler Samuel Garfield, conceded there might be contradictions in his testimony.

Garfield has been under attack for the last three days by attorneys for Mr. Cohn and Murray Gottesman. The two men are charged with attempting to save Garfield and three associates from being indicted in the $5 million United Dye & Chemical stock fraud.

The first Cohn-Gottesman trial ended in a mistrial two months ago when a juror's father died.

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2 Suing Cohn Win $552,200 Judgment

By ROBERT E. TOMASSON

Roy M. Cohn has been ordered by a State Supreme Court justice to pay $552,200 to two manufacturers for reneging on a contract involving the sale of a company.

Justice Joseph A. Sarafite ruled that Mr. Cohn, lawyer, business official and promoter, "personally gave assurance in writing" to pay the manufacturers $800,000 for their company in a complex stock agreement.

Instead, Justice Sarafite said, the two businessmen realized only $247,800 on the deal, or $552,200 less than the sum they had been promised.

The decision, which became known yesterday, was handed down last Friday, three days

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after the opening of a second Federal court trial against Mr. Cohn. He is facing charges of perjury and obstruction of justice arising from the stock-fraud case of the United Dye and Chemical Corporation.

The first trial on the charges ended in a mistrial after the father of a juror died. The present trial is expected to continue several more days.

The breach-of-contract suit in the state court was brought by Martin B. and Augustus J. Steinthal, brothers and owners of M. Steinthal & Co.

The company, with executive offices at 253 East 42d Street, designs and manufactures military parachutes at its plant in Roxboro, N.C.

Justice Reviews Case

Justice Sarafite, in his decision, reviewed the case chronologically as follows:

In June, 1961, when Mr. Cohn "controlled" the Lionel Corporation, makers of toys and electronic equipment, he entered into an agreement with the Steinthals to buy their company.

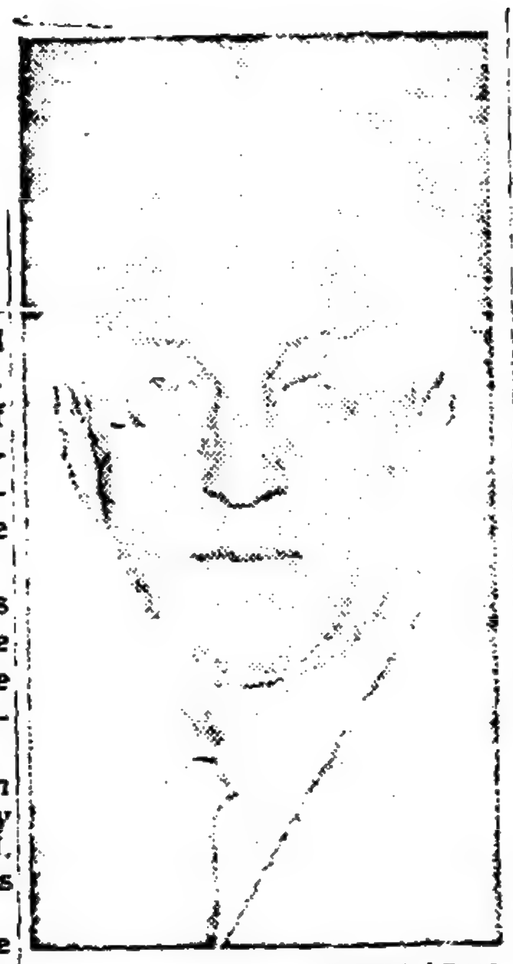
(This, presumably, was part of an extensive diversification program being undertaken by Lionel.)

The two manufacturers valued their business at $800,000 and agreed to sell only on condition that they would eventually receive that amount.

Mr. Cohn signed an agreement guaranteeing them that amount, and 123,500 shares of Lionel shares were turned over to the brothers.

The Lionel shares would have been worth about $3 million at the time of the transfer if they could have been sold. However, since they were not registered with the Securities and Exchange Commission they could not be traded publicly on stock exchanges.

Justice Sarafite said that the agreement called on Mr. Cohn to repurchase 30,500 of the shares at $17.78 a share and



Associated Press

LOSES DECISION: Roy M. Cohn, who was ordered to pay $552,200 to two manufacturers for reneging on written contract involving sale of company.

additional shares to bring the total to $800,000.

Part of the contract was that Lionel would seek to have the shares registered with the S.E.C. not later than September, 1961.

However, the registration did not become effective until November, 1962, by which time Lionel stock had taken a sharp decline.

The Steinthals then sold their shares on the New York Stock Exchange, allegedly suffering a loss of $552,200 when Mr. Cohn refused to buy back the stock at the previously agreed price.

Mr. Cohn no longer has a controlling interest in Lionel.

Before he stepped down, Lionel sold M. Steinthal & Co., Inc., back to the brothers. It was understood that the resale price was "between $800,000 and 900,000 — the bulk of it in cash."

Mr. Cohn said yesterday that if Justice Sarafite's decision "had not come down during my [Federal] trial and I had been in a position to give it my full and effective attention, I do not think an appeal would have be necessary."

"I had not one dollar's personal interest in the transaction and could not have profited from it,' he declared. "I acted to accommodate both parties — Lionel and Steinthal."

He said an appeal would be filed with the Appellate Division. However, because of that court's restricted summer schedule, the appeal is not expected to be argued before September.

Mr. Cohn is expected to ask Justice Sarafite today for permission to reargue the case before him.

Garfield Shifts His Denial of Cohn Meeting

By NORMA ABRAMS

Confessed stock swindler Samuel S. Garfield wavered under cross-examination yesterday at the retrial of attorneys Roy M. Cohn and Murray Gottesman when he was asked about a meeting with the two defendants on Aug. 19, 1959. He had previously denied being at the meeting.

Questioned by Cohn's attorney, Frank Raichle, Garfield admitted in Federal Court that he "could have" met with Cohn or talked with him by phone on that date.

Cohn, charged with perjury and obstruction of justice, and Gottesman, charged with perjury, have both insisted that the meeting took place in the Hotel Pierre. One of the perjury counts against Cohn and two of the perjury counts against Gottesman stem from this assertion before a grand jury.

"I Don't Remember"

Garfield testified that he was staying at the Hotel Pierre in August, 1959, as was Allen K. Swann, another confessed swindler, and that he had met with Cohn there on Aug. 18 and 20. He admitted he might have seen Cohn on the 19th, too.

"I don't remember," he said.

The government had charged that the meeting was part of a conspiracy to keep Garfield, Swann and two others from being named defendants in the United Dye & Chemical stock fraud. All four were indicted and pleaded guilty.

Garfield reiterated previous testimony that he paid Cohn $16,666 as part of a $50,000 payoff to former Chief Assistant U. S. Attorney Morton Robson for avoiding indictment the first time.

He said that another admitted stock swindler, Allard Roen, had given the money to Robson in a Las Vegas hotel.

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FD-350 (Rev. 7-16-63)

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Cohn Witness Denies Buying Clothes in Expectation of Freedom

By PETER KIHSS

A confessed swindler, still awaiting sentencing, said yesterday he had bought about 12 suits at $265 apiece, some sport coats and 30 shirts while here as star Government witness in the Roy M. Cohn perjury trial.

Under defense cross-examination, however, Samuel S. Garfield, the witness, denied this meant he was "making plans inconsistent with going to jail." Garfield, who pleaded guilty March 19, 1962, to a 1961 indictment for conspiring to violate securities laws, had testified that he had given Mr. Cohn "one-third of $50,000" for helping him escape an earlier indictment in 1959.

"When you testified, you were so sure you wouldn't go to jail that you went to your tailor and bought 14 suits of clothes right here in New York City?" asked Frank G. Raichle, counsel for the former aide to Senator Joseph R. McCarthy's investigations.

"I didn't buy them on that account," Garfield protested. He also reduced the purchase to "about 12" suits, and denied he had told the tailor he planned to go on a cruise around the world.

Meanwhile, Assistant United States Attorney Gerald Walpin told Federal Judge Dudley B. Bonsal that the case had included an investigation of Leonard R. Glass, who in 1959 was an assistant United States Attorney conducting an inquiry into Garfield's activities. "The fact is that that investigation is certainly not dead," Mr. Walpin said.

Mr. Walpin was objecting to turning over to the defense a memorandum by Mr. Glass that the defense said would show that Mr. Cohn on Aug. 16, 1959, visited him as a lawyer making an open approach on behalf of Garfield. Mr. Cohn had contended his aim was simply to learn whether Garfield was under investigation.

Judge Bonsal ruled "in my discretion in the interests of justice" that the memorandum

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30 NEW YORK TIMES

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Edition: LATE CITY
Author: PETER KIHSS
Editor: TURNER CATLEDGE
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Character: BRIBERY
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Classification: BU 58-5106
Submitting Office: NYO

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FBI—NEW YORK

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should be made available to the defense. I'm not making it public," he emphasized.

Under cross-examination by Mr. Raichle, Garfield again testified yesterday that one of his associates, Sidney Barkley, had obtained in advance from Mr. Glass questions that were to be asked in the 1959 grand jury. He said the questions were to be addressed to a Garfield lawyer, Allen K. Swann, who has since pleaded guilty to illegal securities manipulation in the same case.

Garfield, 64 years old, a resident of Clare, Mich., was sharply raked over by Mr. Raichle.

Mr. Raichle brought out that Garfield still had pending against him two other securities indictments with a total of about 60 counts, each involving potential penalties of five years and $10,000.

Garfield conceded he hoped for leniency on the ground that "I cooperated with the Government and told the truth about everything I knew."

On direct testimony, Garfield said that after his plea of guilty, he testified to a grand jury and this led to "threats" by Mr. Cohn against him and his associates. He said he then agreed to go along with a story Mr. Cohn made up about their relationship, but he told the judge and jury yesterday that story was not true."

FD-350 (Rev. 7-16-63)

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U.S. Witness Telling More in Cohn Trial

By TED POSTON
and IRVING LIEBERMAN

The case against Roy M. Cohn and Murray E. Gottesman—began originally with a grand jury search for corruption in the U. S. Attorney's office—today appeared headed in that direction again.

Samuel S. Garfield, swindler and chief prosecution witness against the two lawyers, continues his story of an alleged "fix" of a 1959 grand jury which failed to indict him and three swindler-associates in the $5,000,000 United Dye scandal.

But before Federal Judge Bonsal—if not the jury of 11 men and one woman—is the prosecution's declaration that the U. S. Atorney is investigating Leonard Glass, the former assistant U. S. attorney who presented the United Dye case to the 1959 grand jury.

That statement by Asst. U. S. Atty. Walpin seems to bring the case full circle.

For Allan Gerdau, foreman of the 1962 grand jury which indicted Cohn and Gottesman for lying about their part in the 1959 United Dye case, testified that the 1962 grand jury originally was looking into possible corruption in the U. S. Attorney's office as constituted in 1959.

The jury's direction changed—and the two lawyers were indicted, he said, only after the jury failed to achieve its original purpose.

Testimony Against Glass

But Garfield's testimony, entering its third day, has centered attention on Glass more directly than at the first trial that ended with a hung jury last April 19.

The stocky, balding swindler, who pleaded guilty to United Dye stock manipulation with his three associates after all four were indicted by another grand jury, said that Glass, the prosecutor who presented the original case to the 1959 grand jury, did these things:

(Indicate page, name of newspaper, city and state.)

6 NEW YORK POST

Date: 6/17/64
Edition: LATE CITY
Author: POSTON & LIEBERMAN
Editor: DOROTHY SCHIFF
Title: MORTON ROBSON FORMER AUSA SDNY; ROY COHN

Character: BRIBERY
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FBI — NEW YORK

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Came to Garfield's Hotel Pierre suite while the case was being presented to the 1959 grand jury and discussed the case with the swindler for nearly an hour—alone.

Sent Garfield a list of questions which Allen K. Swann, another of the swindlers, would be asked by Glass when he testified before the 1959 grand jury.

Accompanied Sidney Barkley, a convicted swindler and former law client who brought him to Garfield's room on a trip to Las Vegas, after Garfield had "lent" Barkley $40,000—never repaid.

Defense Calls for Memo

The revelation that Glass is under investigation by the present U.S. Attorney's office came when Frank Raichle, Cohn's attorney, demanded a copy of a memo Glass placed in the files on Aug. 19,1959. The memo concerned an interview with Cohn.

Bonsal turned the memo over to the defense for its use, but said it could not be made public.

Walpin observed that a "far-reaching" problem was involved, adding:

"And that is that, as Your Honor I believe knows, the underlying investigation of course includes the investigation of Leonard Glass, and the fact is that that investigation is certainly not dead. The question is whether the grand jury can get all the facts concerning all the matters involved in the underlying investigation."

FD-350 (Rev. 7-16-63)

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Cohn Trial To Cost $500 Dollars

The trial of lawyer Roy Cohn and his co-defendant, Murray E. Gottesman, on perjury and conspiracy charges resumes today, with the government seeking to buttress its case alleging that the two sought to prevent the indictment of four men involved in a $5 million stock fraud case.

Late yesterday in cross examination of Samuel Garfield, a government witness who was one of the four, Cohn's counsel wrung from him an admission that Garfield bought more than $3000 worth of clothing during Cohn's first trial on the charges last March and Aril. It ended in a mistrial.

Cohn's lawyer, Frank Raichle, charged that this meant Garfield had made a deal with the government to escape jail in return for testifying against Cohn. Garfield and the other three involved in the stock fraud case ultimately were indicted and convicted, and are awaiting sentencing.

"You didn't expect to wear these (items of clothing) in jail?" Raichle asked Garfitld sarcastically. "Or don't you xpect to serve any time?"

Garfield repeated testimony he gave duing the first trial which alleged that he paid Cohn one-third of a $50,000 bribe to see that the four were not indicted. He said the alleged payoff was made in the lobby of a Las Vegas hotel in September, 1959.

(Indicate page, name of newspaper, city and state.)

31 NEW YORK WORLD TELEGRAM AND THE SUN

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Author:
Editor: RICHARD D PETERS
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FD-350 (Rev. 7-16-63)

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Defense Grilling U.S. Witness in Cohn Trial

By TED POSTON and IRVING LIEBERMAN

Murray E. Gottesman, co-defendant with Roy M. Cohn, today tries to refute the principal charge against him in their retrial on perjury and obstruction of justice charges in federal court.

He [illegible] K. Chapman, Gottesman's [illegible], takes over cross-examination of Samuel S. Garfield, admitted swindler and key prosecution witness before judge Bonsal and a jury of 11 men and one woman.

Gottesman is on trial for allegedly lying twice about a meeting he said he attended in Garfield's Hotel Pierre suite on Aug. 19, 1959, when the swindler and three associates were seeking to escape indictment in the $5,000,000 United Dye scandal.

Gottesman told the 1962 grand jury which indicted him and Cohn that he had been hired at this hotel meeting to represent Garfield and Allen K. Swann, another swindler, in the United Dle case.

Defense Attacking Ttestimony

Chapman today tries to break down Garfield's testimony, originally given at the first trial which ended with a hung jury last April 19.

Shortly after Garfield had completed his third day on the stand and the jury had been excused yesterday, a court-fight-within-a-court fight involving Cohn and Garfield came to light.

William G. Mulligan, Garfield's attorney, told Judge Bonsal that a law associate of Cohn's, John F. Lang, had served Mulligan

b7c

(Indicate page, name of newspaper, city and state.)

17 NEW YORK POST

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[X] Being Investigated

58-1232-Sub B

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with a subpena asking him to appear as a witness and to produce all his records, documents, correspondence and other material concerning Garfield which he had allegedly turned over to Life magazine.

Mulligan, in an affidavit, said that any testimony by him would violate his lawyer-client relationship with Garfield. He also denied turning over any material to the magazine which concerned Cohn.

Bonsal issued an order, arguable either tomorrow or Monday, requiring Cohn to show why the subpena should not be quashed.

Stock Swindler Fingers Cohn

At the Roy M. Cohn perjury retrial, a United Dye & Chemical Corp. stock swindler told of an arrangement Cohn had made to collect $50,000 if he could keep him and three others from being indicted. They were not indicted and the swindler testified Cohn got a piece of the $50,000. The defense asked Federal Judge Dudley B. Bonsal to order the government to produce a memo allegedly written by ex-Assistant U. S. Attorney Leonard Glass when he was in charge of a grand jury United Dye stock probe. The connection between Glass and Cohn is that Cohn is alleged by the defense to have seen Glass on a routine inquiry during the probe and Glass allegedly helped get the four swindlers off the hook.

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EDITION [illegible]

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JUN 16 1958
FBI — NEW YORK

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Cohn Lawyers Attempt To Discredit Testimony Of Prosecution Witness

Garfield Starts to Repeat Version Of Cohn's United Dye Role; Defense Questions His Dates

By a WALL STREET JOURNAL *Staff Reporter*

NEW YORK—Samuel S. Garfield, the Government's chief witness against Roy M. Cohn, began to repeat his testimony that Mr. Cohn took part in a plan to keep Garfield and three others from indictment in the United Dye & Chemical Corp. stock fraud case.

And the defense moved immediately to try to discredit Garfield's statements on a matter of dates.

Mr. Cohn and Murray E. Gottesman, both New York lawyers, are being retried on charges of perjury and obstruction of justice. Their month-long first trial ended April 19 in a mistrial.

Garfield, a gambler, promoter, and self-described "oil producer," and three associates escaped the initial United Dye indictment in August 1959. But they were made defendants in two later indictments and two years ago pleaded guilty to part of the charges in the $5 million fraud.

Testimony at First Trial

At the first Cohn trial, Garfield testified he arranged to split $50,000 between Mr. Cohn and an assistant U.S. attorney, Morton S. Robson, to block the August 1959 indictment. Garfield also said he worked through other channels to get similar help from another assistant U.S. attorney, Leonard Glass.

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NY Wall St Journal

EDITION V

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FILED — NEW YORK

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Cohn 'Fix' Story Continues

By TED POSTON and IRVING LIEBERMAN

Samuel S. Garfied, the key government witness in the trial of Roy M. Cohn and Murray E. Gottesman, tells more today of Cohn's alleged promise to prevent the 1959 indictment of four United Dye stock swindlers.

Garfield took the stand briefly yesterday to begin his testimony.

Cohn and Gottesman are under indictment for lying to a 1962 grand jury investigating a possible "fix" in the $5,000,000 United Dye stock scandal three years earlier.

Garfield, one of the four who avoided indictment in 1959, but were indicted later, traced his business associations with Cohn—beginning with a Las Vegas hospital construction deal—before turning to the United Dye case.

He said that, in June, 1959, he had heard "rumblings" of an inquiry into the $5,000,000 United Dye stock scandal, and had asked Cohn to "check into it and let me know what could be done about it."

Later, he said, after Cohn had checked with the U. S. Attorney's office here, Cohn told him that "he could handle the matter for me, and the people who were with me," Garfield said.

"I asked him what he thought it would cost to take care of it," the witness continued, "and he told me that if there were no indictments (of the four swindlers), it would cost me $50,000, but if there were indictments, it wouldn't cost anything. I told him it was satisfactory to me."

In his testimony in the first trial, Garfield swore that the $50,000 was split between Cohn and Morton S. Robson, then chief assistent U. S. attorney here, with Cohn getting $16,600. Both men vigorously denied the charge under oath.

But in his opening statement to Federal Judge Bonsal and a jury of 11 men and one woman, Frank Raichle, Cohn's lawyer, indicated a new line of defense. He charged that another gambler associate of Garfield, Sidney Barkley, and another assistent U. S. attorney, Leonard Glass, arranged the "fix" without the knowledge of either Cohn of Gottesman.

At the end of yesterday's session, Raichle demanded that the prosecutor's office produce an office memo which Glass reportedly put into the files in the U. S. Attorney's office on Aug. 10, 1959.

The memo reportedly concerns a conference with Cohn about that time. Asst. U. S.Atty. Walpin said he would turn the document over to Judge Bonsal today.

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(Indicate page, name of newspaper, city and state.)

2 NEW YORK POST

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Edition: LATE CITY
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Garfield took the stand late yesterday, and repeated his opening remarks from the first trial. He said he asked Mr. Cohn in June 1959 to check into "rumblings" that the Securities and Exchange Commission was investigating United Dye.

About a week later, Garfield continued, Mr. Cohn reported back that the investigation "wasn't too serious and that he could handle the situation for me and the people with me." Garfield testified Mr. Cohn fixed the cost at $50,000 if there were no indictment, but that if the four were made defendants, "it wouldn't cost us anything."

Mr. Cohn has denied he had a hand in any bribe or other illegal activity. He told a Federal grand jury in 1962 and 1963 that at Garfield's request, he performed an attorney's legitimate function of asking Mr. Glass "in the late summer" of 1959 if Garfield was under investigation.

A Memo About Visit

Yesterday, Mr. Cohn's attorneys informed the court they had "learned" that Mr. Glass wrote a memorandum about a visit from Mr. Cohn "on Aug. 9 or 10, 1959." The memo is on file in the U.S. Attorney's office and should be shown to the defense, Mr. Cohn's attorneys contended.

The defense apparently hopes it can use the memo to show that Mr. Cohn made legitimate inquiries and that he took action in August 1959, in conflict with Garfield's testimony that the inquiries were in June.

Prosecutor Gerald Walpin said he would turn over the memo to Judge Dudley B. Bonsal, and Judge Bonsal said he would rule today on whether it should be passed to the defense.

Mr. Cohn and Mr. Gottesman haven't been charged formally with bribery or any related crime. Instead, the two lawyers are charged with trying to prevent the grand jury in 1962 and 1963 from learning the truth about their 1959 association with the United Dye case.

No charges of any kind have been filed against Mr. Robson or Mr. Glass. Mr. Robson appeared as a defense witness at the first trial and denied Garfield's allegations vehemently. Mr. Glass hasn't been available for comment, and hasn't issued any statements.

FD-350 (Rev. 7-18-63)

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Garfield Repeats His Story Of Giving 16G Bribe to Cohn

By IRVING LIEBERMAN and TED POSTON

An admitted stock swindler testified today that he had personally paid Roy M. Cohn $16,666 in cash for his part in preventing the indictment of four stock manipulators in the $5,000,000 United Dye stock scandal in 1959.

Samuel S. Garfield, chief of the four swindlers who later pleaded guilty under a subsequent indictment by another grand jury, repeated and elaborated upon testimony he had given at the first trial of Cohn and Murray Gottesman, which ended with a hung jury last April 19.

At the same time, Garfield contradicted the two lawyers' story of an alleged meeting in his Hotel Pierre suite here, at which Gottesman was supposed to have been hired as his attorney. It was this testimony which led to the indictment of Cohn and Gottesman for perjury and obstruction of justice.

Says They Never Met

As Federal Judge Bonsal and a jury of 11 men and a woman listened intently, Garfield swore that he had never laid eyes on Gottesman in his life until he saw him at the first trial.

"Mr. Gottesman was never in my hotel room," the stocky, balding witness said evenly. "I never visited his office. I never retained him as my attorney. I never paid him a fee and I was never asked by Mr. Gottesman to pay him a fee. I never attended a meeting with Gottesman, Cohn and Swann."

Allen K. Swann, a lawyer, was one of the confessed swindlers. The others were Irving Pasternak and Allard Roen, manager of the Desert Inn in Las Vegas.

It was in the lobby of the Desert Inn on Sept. 15, 1959, Garfield said, that he paid Cohn "one third of $50,000" which he said the former chief counsel of the McCarthy Senate investigating committee had asked for seeing that the four swindlers were not named defendants in the 1959 United Dye indictment.

In their testimony before a 1962 federal grand jury looking into the possibility of a fix in the 1959 United Dye investigation, Cohn and Gottesman had told of an Aug. 19, 1959 meeting in Gerfield's room.

Tells Who Was There

In today's testimony, Garfield said that Swann, Sidney Berkley, another convicted stock swindler, and Hyman Lehrich, then attorney for United Dye, were all in his room that day. But he insisted that neither Cohn nor Gottesman were there.

The prosecution insists that the two lawyers "concocted" the story of the meeting in Garfield's hotel suite in an effort to cover up their real activities in assisting the four swindlers during the 1959 investigation.

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2 NEW YORK POST

Date: 6/16/64
Edition: LATEST STOCK PRICES
Author: LIEBERMAN & POSTON
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Swindler Repeats Cohn 'Payoff' Charge

An admitted swindler today testified for the second time that he paid attorney Roy M. Cohn "one-third of $50,000" in a Las Vegas hotel in 1959 to help prevent the indictment of four men in a stock fraud case.

Samuel S. Garfield repeated nearly word for word the testimony he gave March 30 at the first trial of Cohn and lawyer Murray E. Gottesman on conspiracy-perjury charges.

Garfield told Federal Judge Dudley B. Bonsal and a jury that he gave Cohn the money on or about Sept. 15, 1959, in the lobby of the Desert Inn.

Garfield also denied again he ever met Gottesman before the first trial which ended in a mistrial after the death of a juror's father.

One of the perjury charges against Cohn and Gottesman stems from testimony they gave to a grand jury concerning a meeting with Garfield. Both claimed they met Garfield in his Hotel Pierre suite on Aug. 19, 1959, a statement Garfield brands as untrue.

The indictment of Cohn and Gottesman stemmed from an investigation into the $5 million United Dye & Chemical Corp. stock fraud. They were accused of lying to a grand jury investigating attempts to prevent Garfield and three others from being indicted in the case.

All four later pleaded guilty to stock fraud and are awaiting sentence.

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NY Wall Telegram

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DATE 6-1-66

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FD-350 (Rev. 7-16-63)

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U.S. MEMORANDUM ON COHN SOUGHT

Defense Hopes to Clarify Role in Stock Inquiry

By PETER KIHSS

The defense in the Roy M. Cohn perjury retrial sought yesterday to obtain a Federal prosecutor's memorandum concerning a visit by Mr. Cohn to an assistant United States attorney in 1959.

Mr. Cohn's lawyer, Frank G. Raichle, hopes this memoran- that Mr. Cohn had made an open inquiry on behalf of stock sellers threatened with indictment.

Mr. Raichle told Federal Judge Dudley B. Bonsal that the defense had heard there was such a memorandum by former Assistant United States Attorney Leonard R. Glass. This he said described a visit made by Mr. Cohn to Mr. Glass about Aug. 9 or 10, 1959.

Assistant United States Attorney Gerald Walpin said he would produce any such memorandum for the judge's study and ruling before the retrial resumes at 10 A.M. today.

The defense request came after Samuel S. Garfield, the leading prosecution witness and a confessed stock swindler, had renewed testimony that he gave on March 30 in the first trial. Garfield said that he asked Mr. Cohn early in June, 1959, to find out about "rumblings" of a Securities and Exchange Commission investigation of sales of United Dye and Chemical Corporation stock.

About a week later, Garfield said, Mr. Cohn "told me there was an investigation going on." Garfield said Mr. Cohn told him that "it wasn't too serious," and "he thought he could handle the matter for me and the people with me." Garfield said he was concerned about himself and five other individuals.

"I asked him what he thought it was going to cost," Garfield went on. "He told me if we did not get indicted, it would cost $50,000. If we did get indicted, it would cost us nothing. I told him it was satisfactory to me."

Garfield testified that Mr. Cohn had him come to New York in mid-August, 1959, "because they were going to finalize the indictments." Garfield said that he arrived here Aug. 17, 1959. At that point the jury was excused until 10 A.M. today.

Mr. Cohn, on grand jury testimony read at the trial, had said Garfield asked him to make inquiries about the investigation in "late summer." Thereafter, Mr. Cohn had testified, he went to the United States Courthouse and learned from Assistant United States Attorney Glass, in charge of the investigation, that Garfield was involved in charges of sale of unregistered stock.

Dates Disputed

Mr. Raichle told Judge Bonsal that Mr. Cohn had acted "through channels," and appealed for a look at the reputed memorandum by Mr. Glass. He contended the defense would show Garfield's testimony about June conversations was wrong.

The dates are among issues bearing on the charges of perjury against the former aide to Senator Joseph R. McCarthy. Earlier, Judge Bonsal had told Mr. Walpin to delay an attempt to show conflicts in stories by Mr. Cohn about his relationship with Garfield until Mr. Cohn takes the stand.

Mr. Walpin had sought to introduce an S.E.C. memorandum in which Mr. Cohn in Nay, 1960, reportedly said he "never represented" Garfield. Mr. Raichle argued the word "represented" should be understood to cover an appearance in a proceeding.

The prosecution once again presented two Federal Bureau Investigation agents, Martin F. Maher and James T. Blasingame, in an effort to show contradictory stories by Murray E. Gottesman, Mr. Cohn's co-defendant. Their first trial ended in a mistrial after one of the jurors was excused because of her father's death.

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33 NEW YORK TIMES

Date: 6/16/64
Edition: LATE CITY
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FD-350 (Rev. 7-10-63)

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Testimony was expected to begin today at the second federal trial of Roy Cohn, who is charged with perjury and obstruction of justice in a [illegible]million-dollar stock fraud [illegible]

Cohn and fellow lawyer [illegible]ay E. Gottesman are [illegible]ged with attempting to prevent the indictment of four [illegible] in last year's United Dye [illegible] Chemical Corp. stock fraud [illegible]

The four were indicted and pleaded guilty to illegally selling $3 million worth of unregistered stock.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK [illegible] TELEGRAM AND THE SUN

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Edition: METRO
Author: RICHARD D PETERS
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Title: AUSA SDNY; ROY COHN

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FBI Agent Taking Stand At Cohn's Perjury Retrial

By TED POSTON and IRVING LIEBERMAN

The government prepared today to call a veteran FBI agent as the first substantive witness against Roy M. Cohn and Murray E. Gottesman in their perjury-obstruction-of-justice retrial in Federal Court.

Marti E. Maher is expected to testify, as he did in the first trial, which ended April 19 in a mistrial, about Gottesman's "evasive" answers when questioned about possible involvement in a 1959 investiagtion of the United Dye stock scandal case.

Cohn and Gottesman are accused of lying to a 1962 grand jury that was trying to find out if a "fix" was involved in the failure of the earlier jury to name four gamblers as defendants in the United Dye case.

Maher is to take the stand after Asst. U.S. Atty. Walpin reads to Judge Bonsal and a jury of 11 men and one woman parts of Gottesman's testimony before the 1962 grand jury.

This testimony concerns an alleged meeting between Gottesman and Cohn and two of the four non-indicted gamblers on Aug. 19, 1959. The prosecution insists no such meeting ever took place, and that the two lawyers "concocted" an account of

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2 NEW YORK POST

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it to cover up their earlier activities in the 1959 case.

Walpin concluded the reading of Cohn's testimony into the trial record Friday in which it was revealed that the former chief counsel of the McCarthy Senate Investigations Committee admitted that he had associated with gambler Meyer Lansky and had dined and played golf with Jerry Catena, reputed Cosa Nostra head.

Samuel S. Garfield, chief of the four men who escaped indictment in 1959, but pleaded guilty to stock swindling on later indictments, testified in the last trial that Cohn had used the names of Lansky and Catena in an apparent threat to make Garfield change his testimony before the 1962 grand jury.

The other gamblers, all of whom have since admitted United Dye stock swindles, are Irving Pasternak, Allen K. Swann and Allard Roen, manager of the Las Vegas Desert Inn.

GRAND JURY MINUTES READ AT COHN TRIAL

The reading of testimony Roy M. Cohn gave to a Federal grand jury during nine days last year took up the entire day yesterday at his retrial on charges of perjury and obstruction of justice.

A first trial in March and April ended after the death of a juror's father before any verdict involving Mr. Cohn, who was the late Senator Joseph R. McCarthy's counsel on investigations into Communism.

At the urging of Federal Judge Dudley B. Bonsal, Assistant United States Attorney Gerald Walpin announced he was deleting 120 to 150 pages out of perhaps 500 read in the first trial. This made possible the completion of the reading during the day.

Read into the record was Mr. Cohn's testimony that he had received a $10,000 cash fee from Samuel S. Garfield, an oil promoter and co-owner of a Las Vegas resort, for legal services from 1958 to 1961. These included, he told the grand jurors, a 1959 inquiry in which he learned that Garfield was under investigation for selling stock without registration and advice on grand jury tactics.

Garfield was a star Government witness at the first Cohn trial. He and three associates escaped indictment in 1959. Garfield was indicted with the others in 1960 and 1961, pleaded guilty and is awaiting sentencing.

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COHN DEFENSE RAISES A POINT

By Milton Lewis
Of The Herald Tribune Staff

The defense in the Roy M. Cohn perjury retrial sought to learn yesterday why two key figures were not called to testify before the grand jury which indicted Mr. Cohn.

The two were former U. S. Attorney S. Hazard Gillespie and Moe B. Dalitz, principal owner of the Desert Inn, Las Vegas.

At the first trial, which ended in a mistrial on April 19, Mr. Gillespie testified that it was his decision—and his alone—to spare from indictment in 1959 four suspected stock swindlers, whom he had indicted the following year. They were indicted again in 1961, in the regime of the incumbent U. S. Attorney, Robert M. Morgenthau, and they pleaded guilty to the superseding true bill.

Mr. Cohn and his co-defendant, lawyer Murray E. Gottesman, stand accused in Federal Court of perjury before a grand jury which tried to learn why the four were not indicted in 1959.

Allan Gardau, foreman of the jury which indicted Mr. Cohn and Mr. Gottesman, said the jurors had "considered" of calling Mr. Gillespie, but decided against it when the investigation took a new course. He said the grand jury was "surprised" that Mr. Dalitz was not called, but understand the advice of the U. S. Attorney wouldn't irritate him.

Mr. Dalitz was not a witness at the first Cohn trial, which ended abruptly because of the death of a juror during the [illegible]

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Cohn Retrial Is Told Of Missing Witness

A former grand jury foreman testified yesterday in Federal Court that he "could not understand" why the panel was never able to bring in Las Vegas hotelman Moe Dalitz for questioning about the alleged perjury of attorney Roy Cohn.

On the stand at Cohn's retrial for perjury and obstruction of justice, Allan Gerdau said the 1962 grand jury he headed wanted to question Dalitz but was never able to get him before the panel. Dalitz, operator of the Desert Inn at the Nevada resort, was reportedly traveling in Europe that year.

Cohn was indicted for allegedly denying to the grand jury that he had asked anyone to contact Dalitz to return to the United States.

Cohn's alleged plan to use Dalitz to intimidate witnesses was the basis of the obstruction charge.

The case will continue today.

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Grand Jury Starts Cohn Perjury Retrial

The perjury retrial of lawyer Roy M. Cohn resumes today with the reading of Cohn's testimony before the grand jury that indicted him.

Cohn also is charged with obstructing justice in connection with the grand jury's investigation of a stock swindle. A fellow lawyer, Murray Gottesman, is his co-defendant.

Their first trial ended in a mistrial on April 19 when a woman juror was excused to attend her father's funeral.

(Indicate page, name of newspaper, city and state.)

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Court Hearing Cohn's Story To 1962 Jury

By IRVING LIEBERMAN and TED POSTON

The government today continues its efforts to prove that Roy M. Cohn and Murray E. Gottesman lied to a 1962 federal grand jury trying to determine their role in the failure of an earlier grand jury to indict four men in the $5,000,000 United Dye stock scandal.

Asst. U. S. Atty. Gerald Walpin, for the second day, reads Cohn's testimony before the 1962 grand jury to Federal Judge Bonsal and a jury of 11 men and one woman hearing perjury and obstruction-of-justice charges against the two

Placed into the trial record yesterday was Cohn's admission that he had received a $10,000 payment from Samuel S. Garfield, one of the four subsequently admitted stock swindlers not named as defendants in the 1959 inquiry.

Cohn told the grand jury he got the money in 1961 for legal services having nothing to do with the United Dye case.

But in its opening statement in the retrial of the two men — the first case ended in a mistrial last April 19 — the prosecution charged that Garfield gave Cohn the money in 1959, a few days after the original grand jury failed to name Garfield and three associates, Allard Roen, Allen K. Swann and Irving Pasternak.

Walpin also read into the record Cohn's testimony that he and Gottesman held a breakfast meeting the day after the latter was subpenaed to testify before the grand jury looking into the earlier United Dye inquiry.

Further Cohn testimony on his conferences with oGttesman and on the disputed $1,0 payment by Garfield will be read into the record today.

The reading of the 1963 testimony of both defendants is expected to consume less than the 3½ days used up for this phase in the first trial, since Bonsal supported a defense motion by Cohn's lawyer, Frank Raichle, to limit it to the substantive portions of the indictment.

It will also be shortened since a conspiracy count in the first trial was dismissed by Federal Judge Dawson.

Bonsal said he felt it was important to see that the present jur gets "a clear picture" of the charges and not be "confused" by collateral issues.

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3 NEW YORK POST

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U.S. Acts to Bar Cohn Move in Trial

By Milton Lewis

Of The Herald Tribune Staff

The government moved yesterday to bar the defense from using one specific piece of evidence that would be beneficial to Roy M. Cohn at his perjury retrial in Federal Court. The retrial began Tuesday.

The government move concerned one of the witnesses, William D. Fugazy. State Supreme Court Justice Henry Clay Greenberg last week characterized the testimony given before him by Mr. Fugazy in a civil suit as "wholly untruthful." Mr. Fugazy, head of a travel bureau and former close friend and business associate of Mr. Cohn, was called as a prosecution witness at the first Cohn trial and is to be called again.

So at the start of yesterday's session before Federal Judge Dudley B. Bonsal, Assistant U. S. Attorney Gerald Walpin made a motion to restrain the defense from making any reference to Justice Greenberg's characterization of Mr. Fugazy.

Mr. Walpin argued that Justice Greenberg's branding of Mr. Fugazy was "not admissible" at this trial and should not be referred to either in the defense opening statements to the jury or during the cross-examination of Mr. Fugazy.

Frank G. Raichle, Mr. Cohn's chief counsel, stressed that he had no intention of referring to it in his opening remarks, "but I want to reserve the right to take up the matter on cross-examination" of Mr. Fugazy. Also, he said, "I will take it up in the proper way."

"There are troublesome aspects about it," Judge Bonsal observed, and that is the way the matter stands, with the judge, in effect, reserving decision.

Then, after four alternate jurors—three men and one woman—were chosen to sit with the regular panel of 11 men and a woman picked Tuesday, opening statements began. Assistant U. S. Attorney Donald J. Cohn (no relation to the defendant Cohn) outlined the government's case, saying it would be shown that Mr. Cohn and his co-defendant, lawyer Murray E. Gottesman, committed perjury before a grand jury trying to establish how four subsequently confessed stock swindlers avoided indictment in 1959, with one of the swindlers promising Mr. Cohn a $50,000 payoff.

Mr. Raichle, for defendant Cohn, aimed some of his ammunition at Mr. Fugazy, calling him "the biggest liar since Ananias." He also attacked former Assistant U. S. Attorney Leonard Glass, who handled the 1959 stock fraud investigation. It was testified at the first trial that Mr. Glass supplied grand jury questions in advance for one of the four stock swindlers. Mr. Glass has never denied this.

It is the contention of Mr. Raichle, as well as Henry K. Chapman, counsel for co-defendant Gottesman, that if anybody did anything wrong it was Mr. Glass, and he should be the one on trial, not Mr. Cohn or Mr. Gottesman. Mr. Cohn is also charged with obstructing justice in allegedly inducing others to lie before a grand jury and bringing pressure to bear on them.

Judge Bonsal, who has barred reporters from entering the well of the court, even during recesses, to talk to defendants or opposing counsel, expressed considerable annoyance yesterday because some newspapers printed the names of jurors. The addresses were withheld. The jurors' names had been called in open court by the court clerk.

Testimony is scheduled to begin today. The first trial ended in a mistrial April 19, when, after the jury had been deliberating four days, the father of one of the jurors died.

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Cohn's Lawyers Taking A New Line of Defense

By TED POSTON and IRVING LIEBERMAN

Allan Gerdau, foreman of the 1962 federal grand jury which indicted Roy M. Cohn and Murray E. Gottesman for perjury and obstruction of justice in connection with an earlier investigation into the $5,000,000 United Dye stock fraud case, is the first prosecution witness today in their Federal Court retrial.

But the government, which charges that the two lawyers lied to the 1962 grand jury about their efforts to prevent four gamblers from being indicted in a 1959 United Dye investigation, faces a new defense by Cohn and Gottesman.

Frank Raichle, Cohn's lawyer, told Federal Judge Bonsal and a jury of 11 men and one woman yesterday that a convicted stock swindler who testified in the first trial and a former Assistant U.S Attorney made a "corrupt arrangement" to exclude the four men from the 1959 indictment, and that Cohn and Gottesman first learned of the arrangement at their own trial which ended with a hung jury last April 19.

Raichle's opening statement yesterday was far different from that in the original trial. Then he intimated strongly that Cohn's indictment was the culmination of a "vendetta" growing out of his activities as chief counsel for the McCarthy Senate Investigating Committee.

He now contends that Sidney Barkley, a convicted Los Angeles stock swindler, and Leonard J. Glass, the Assistant U. S. Attorney who presented the 1959 United Dye case to the grand jury, perpetrated the alleged "fix" and that Cohn and Gottesman were "innocent people."

Barkley had testified in the first trial that he was friendly with the four accused gamblers —Samuel S. Garfield, Allen K. Swann, Irving Pasternak and Allard Roen, and that he had conferred on their case with Glass.

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2 NEW YORK POST

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